

## CITY OF DENTON CITY COUNCIL MINUTES

February 4, 2014

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 4, 2014 at 4:30 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins.

ABSENT: Mayor Pro Tem Kamp.

### 1. Citizen Comments on Consent Agenda Items

Mayor Burroughs announced that there were comments cards submitted for Consent Agenda Item Z.

Gabriel Kirkpatrick, 2620 Coffey Drive, Denton, 76207 stated that she was owned a local food truck and was concerned about how the amendment to Section 229.169 C3 might be put into play. If food trucks were not allowed to sell from public right-of-way without permission, it could affect relationships with street-side or curb-side establishments. Her establishment was locally owned and operated and she wanted to serve Denton. She did not want barriers to arrangements already in place.

Mayor Pro Tem Kamp arrived at the meeting.

Council Member Roden asked if Kirkpatrick had any other issues with the ordinance.

Kirkpatrick stated that she wanted to make sure that relationships already established could remain in place. There were some other line items that might be good in theory but in day to day practice might be too stringent.

Phil Shirley, 111 W. Mulberry, Denton, 76201 stated that he owned a local restaurant and was looking to open another in Denton. The food truck ordinance now allowed trucks to park all over the city. He felt having a truck across from his restaurant might provide unfair competition as he had fixed operating costs to deal with. He thought there was going to be only one location for the trucks but now they were all over the city. He was not against the food truck business but felt it was taking away business from fixed location restaurants. Parking was also an issue when trucks took away parking spaces.

Robert Marshal, 111 W. Mulberry, Denton, 76201 stated that he was concerned about the trucks parking outside restaurants and how they might be affecting small businesses. He was against putting out traffic cones on public right-of-way so the trucks could come back later in the day and have a parking location.

MaryBeth Reinke, 124 Industrial, Denton, 76201 stated that she was against not allowing the trucks to park in the city right-of-way.

Council Member Roden asked where the trucks congregated in terms of a street versus a parking lot.

Reinke stated it was on the right-of-way.

Jeff Doyle, 124 Industrial, Denton, 76201 felt that he had a good relationship with the food trucks as his business did not have a kitchen and the trucks were a way to feed his patrons. He felt food trucks were helping the Downtown area and they should be able to continue to park on the street.

2. Requests for clarification of agenda items listed on the agenda for February 4, 2014.

Council Member Gregory stated that he would be pulling Consent Agenda Item Z for separate consideration. He would be proposing several amendments to the current proposed ordinance and asked if he should do those now or during the regular meeting.

Mayor Burroughs suggested that they be made during the regular meeting.

Council Member King requested that Consent Agenda Items N-T be pulled for separate consideration as he was on the Board of the Thin Line Festival.

Council Member Engelbrecht questioned the size of the facility for Consent Agenda Item C.

PS Arora, Division Manager-Wastewater Administration, stated that the facility would be 7000 square feet.

Mayor Burroughs noted that the City Attorney had discussed with Council Member King his involvement with Thin Line and determined that there was no conflict of interest. The items would not be pulled for separate consideration.

Mayor Burroughs asked about Consent Agenda Item B – EMS supplies. He felt that this agreement cost more than another buy board item.

Chuck Springer, Director of Finance, stated that if another community bid out a project a vendor could piggy back on it. In this case, Cedar Hill had bid out the supplies more recently than Carrollton so that the Cedar Hill bid was more competitive than the Carrollton bid.

Mayor Burroughs asked if staff checked to see if the one year renewals had a better bid.

Springer stated that staff reviewed the bids to make sure the City was getting the best price.

Following the completion of the Work Session, the Council convened in a Closed Meeting at 5:05 p.m. to consider the items below.

1. Closed Meeting:

A. Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

1. Receive a presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial

information relating to issues regarding its proposed Energy Risk Management Policy that deals with bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas (ERCOT) bids, prices, offers and related services and strategies, and the terms and authorizations related thereto, as well as other public power information. Consultation with the City's attorneys regarding legal issues associated with the Energy Risk Management Policy 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 potential litigation. Discuss, deliberate, and provide staff with direction.

- B. Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations regarding Real Property - Under Texas Government Code, Section 551.072.
  - 1. Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the B.B.B. & C.R.R Co. Survey, Abstract No. 196 and the W. Roark Survey, Abstract 1087, both in Denton County, Texas, and located generally along the north side of the meanders of the Hickory Creek tributary, between U.S. Highway 377 and F.M. Road 1830. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Hickory Creek Basin Sanitary Sewer Peak Flow Storage Facility).
  - 2. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, and generally located in the 2500 block of East McKinney Street. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real 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. (Tyson Heirs - 69kV Transmission Line Re-build Project P4)

C. Consultation with Attorneys - Under Texas Government Code, Section 551.071.

1. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including Constitutional limitations, statutory limitations upon municipal regulatory authority, statutory preemption and/or impacts of federal and state law and regulations as it concerns municipal regulatory authority and matters relating to enforcement of the ordinance.
2. Consult with City's attorneys regarding legal rights, restrictions, and obligations under Texas law, associated with overlapping extraterritorial jurisdictions claimed by municipalities neighboring the City of Denton, Texas, as well as possible negotiated resolutions of such matters, where a public discussion of such legal matters would conflict with the duty of the City's attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and where such matters may become an issue in potential litigation.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

**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. UNT Heart of Dallas Bowl Win Proclamation

Mayor Burroughs presented the proclamation for UNT Heart of Dallas Bowl Win proclamation.

2. National Wear Red Day

Mayor Burroughs presented the proclamation for National Wear Red Day for the American Heart Association.

**3. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

1. Dr. Herb Phelan from UT Southwestern Medical Center in Dallas regarding traumatic injury studies.

Dr. Phelan stated that he was promoting a study regarding traumatic injuries. The study would look at starting plasma transfusions early in the course of treatment to help lower mortality of severely injured patients. He encouraged all to go to website to look at the study materials.

2. Camilo Ruggero regarding noise nuisance from drilling in South Lakes Park.

Mr. Ruggero was not present at the meeting.

3. Rebecca Lindrose regarding Southridge drilling.

Ms. Lindrose spoke regarding the fracking at the Acme Brick Company site. She was concerned about the health issues associated with fracking. She felt Council was making a mistake with the current regulations they had implemented regarding gas well drilling.

#### **4. CONSENT AGENDA**

Mayor Burroughs noted that Items A and Z would be removed for separate consideration.

Council Member Hawkins motioned, Council Member King seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items A and Z. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member King "aye", Council Member Roden "aye", and Council Member Hawkins "aye". Motion carried unanimously.

##### Ordinance No. 2014-022

- B. Consider adoption of an ordinance accepting competitive bids by way of a Cooperative Purchasing Program Participation Agreement with the City of Cedar Hill under Section 271.102 of the Local Government Code, for the purchase of Emergency Medical Services (EMS) medical supplies for the City of Denton Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 5427-awarded to Bound Tree Medical in the estimated annual amount of \$125,000 for a three (3) year total amount not-to-exceed \$375,000).

##### Ordinance No. 2014-023

- C. Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Pecan Creek Water Reclamation Plant Administration Building; providing for the expenditure of funds therefor; and providing an effective date (RFP 5240-awarded to Schmoldt Construction, Inc. in an amount not-to-exceed \$1,290,700). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-024

- D. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a three (3) year Professional Services Agreement for traffic signal design and construction plans for thirty (30) City of Denton intersections with Binkley & Barfield/C&P, Inc. in an amount not-to-exceed \$550,500; providing for the expenditure of funds therefor; and providing an effective date (File 5461-awarded to Binkley & Barfield/C&P, Inc.).

Ordinance No. 2014-025

- E. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of a Laboratory Information Management System (LIMS) and a three (3) year software maintenance agreement for continued vendor support of the software, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5441 awarded to LabWare, Inc. in the three (3) year not-to-exceed amount of \$72,840). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-026

- F. Consider adoption of an ordinance accepting competitive proposals and awarding an initial one (1) year contract with the option to extend for two (2) additional one (1) year periods for the supply of electric utility distribution hardware, connectors, arms, and accessories for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5392-awarded to multiple vendors as shown on Exhibit A in the annual estimated amount of \$1,283,667 for a three (3) year not-to-exceed amount of \$3,851,001).

Ordinance No. 2014-027

- G. Consider adoption of an ordinance accepting competitive proposals and awarding an initial one (1) year contract with the option to extend for two (2) additional one (1) year periods for the supply of traffic signal poles for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5429-awarded to Structural and Steel Products, Inc. in the annual estimated amount of \$869,430 for a three (3) year not-to-exceed amount of \$2,608,290).

Ordinance No. 2014-028

- H. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply and installation of a moveable wall system (funded 100 percent by a United States Department of Justice Congressionally Selected Award) for the City of Denton Public Safety Training Facility; providing for the expenditure of funds therefor; and providing an effective date (RFP 5301-awarded to Hufcor Texas Group in the not-to-exceed amount of \$330,529.76).

Ordinance No. 2014-029

- I. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase by the City of Denton, Texas of Forward Marketing

Modeling Software in support of the Energy Marketing Organization of Denton Municipal Electric from LCG Consulting in an amount not-to-exceed \$309,000; providing for the expenditure of funds therefor; and providing an effective date (RFP 5424-awarded to LCG Consulting in the not-to-exceed amount of \$309,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-030

- J. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for linear motion shaker mud cleaner for the City of Denton Landfill Wheel Wash Facility; providing for the expenditure of funds therefor; and providing an effective date (RFP 5291-awarded to Tri-Flo International, Inc. in the not-to-exceed amount of \$125,051.72). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-031

- K. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached hereto and made a part hereof as Exhibit "A", by and between Paul-Emile Baudouin and Benjamin Parker Baudouin as Owner (herein so called), and the City of Denton, Texas, as Buyer, regarding the sale and purchase of fee simple to two tracts identified as a 22.41 acre tract, more or less, and a 27.93 acre tract, more or less, both situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 196, located in the City of Denton, Denton County, Texas, as more particularly described in the Contract of Sale, located generally in the 3700 Block of Country Club Road (the "Property Interests"), for the purchase price of Four Hundred Seventy Five Thousand Dollars and No Cents (\$475,000.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2014-032

- L. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached hereto and made a part hereof as Exhibit "A", by and between Carla Gates Hopper, individually and as Independent Co-Executrix of the Estate of Connie Morris Altemus, deceased, and Barbara Gates Laughlin individually and as Independent Co-Executrix of the Estate of Connie Morris Altemus, deceased as Owner (herein so called), and the City of Denton, Texas, as Buyer, regarding the sale and purchase of fee simple to two tracts identified as a 12.48 acre tract, more or less, and a 38.01 acre tract, more or less, both situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 196, located in the City of Denton, Denton County, Texas, as more particularly described in the Contract of Sale, located generally in the 3800 Block of Country Club Road (the "Property Interests"), for the purchase price of Three Hundred Thousand Dollars and No Cents (\$300,000.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2014-033

- M. Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and The University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds therefore; and providing for an effective date. (\$600)

Approved the noise exception listed below.

- N. Consider a request for an exception to the Noise Ordinance for the purpose of the Thin Line Film and Music Festival. The event will be held on City property, in the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland streets, beginning on Wednesday, February 12, from 6 until 10:30 p.m., Thursday, February 13, from 2 until 10:30 p.m., Friday, February 14 from 2 until 10:30 p.m., Saturday, February 15 from 10 a.m. until 10:30 p.m., and concludes on Sunday, February 16 from noon until 10:30 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels, an extension of hours from 10 to 10:30 p.m., and for amplified sound on Sunday. Staff recommends approval.

Ordinance No. 2014-034

- O. Consider adoption of an ordinance adopting a onetime rental policy and a schedule of rental fees for the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets, for a one time use by the Thin Line Film Festival, and providing an effective date.

Resolution No. R2014-001

- P. Consider approval of a resolution allowing Sweetwater Grill & Tavern to be the sole participant allowed to sell alcoholic beverages at the Thin Line Festival, to be held the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets on February 12, 2014, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Resolution No. 2014-002

- Q. Consider approval of a resolution allowing Rubber Gloves Rehearsal Studios, to be the sole participant allowed to sell alcoholic beverages at the Thin Line Festival, to be held the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets on February 13, 2014, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Resolution No. 2014-003

- R. Consider approval of a resolution allowing Dan's Silverleaf, to be the sole participant allowed to sell alcoholic beverages at the Thin Line Festival, to be held the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets on February 14, 2014, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.



Resolution No. 2014-004

- S. Consider approval of a resolution allowing Bostick, Banks, LLC, dba The LABB, to be the sole participant allowed to sell alcoholic beverages at the Thin Line Festival, to be held the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets on February 15, 2014, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Resolution No. 2014-005

- T. Consider approval of a resolution allowing JAG Private Club, Inc, dba Dusty's Bar & Grill, to be the sole participant allowed to sell alcoholic beverages at the Thin Line Festival, to be held the parking area south of 300 E. McKinney Street, bordered by E. Oak and Oakland Streets on February 16, 2014, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Ordinance No. 2014-035

- U. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached to the ordinance and made a part thereof as Exhibit "A", by and between Nettie Jane Nickless (the "Owner"), and the City of Denton (the "City"), regarding the sale by Owner and purchase by the City of a fee interest in land consisting of 1.127 acres being situated in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, located generally in the 2500 block of East McKinney Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, the "Project", for the purchase price of Sixteen Thousand Six Hundred Dollars and 00/100 (\$16,600.00); as prescribed in the Contract of Sale; authorizing the City Manager, or his designee, to execute and deliver any and all other documents necessary to accomplish closing of the transaction contemplated by the Contract of Sale; authorizing the expenditure of funds, therefore; and providing an effective date. (69kV Transmission Line Re-build Project P4) The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-036

- V. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached to the ordinance and made a part thereof as Exhibit "A", by and between Shirley Jeannene Wright McCrory, Independent Executor of the Estate of Ruthie Frances Tyson Wright, deceased (the "Owner"), and the City of Denton (the "City"), regarding the sale by Owner and purchase by the City of a fee interest in land consisting of 1.127 acres being situated in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, located generally in the 2500 block of East McKinney Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, the "Project", for the purchase price of Sixteen Thousand Six

Hundred Seven Dollars and 00/100 (\$16,607.00); as prescribed in the Contract of Sale; authorizing the City Manager, or his designee, to execute and deliver any and all other documents necessary to accomplish closing of the transaction contemplated by the Contract of Sale; authorizing the expenditure of funds, therefore; and providing an effective date. (69kV Transmission Line Re-build Project P4) The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-037

- W. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached to the ordinance and made a part thereof as Exhibit "A", by and between William "Bill" Jenkins (the "Owner"), and the City of Denton (the "City"), regarding the sale by Owner and purchase by the City of a fee interest in land consisting of 1.127 acres being situated in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, located generally in the 2500 block of East McKinney Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, the "Project", for the purchase price of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00); as prescribed in the Contract of Sale; authorizing the City Manager, or his designee, to execute and deliver any and all other documents necessary to accomplish closing of the transaction contemplated by the Contract of Sale; authorizing the expenditure of funds, therefore; and providing an effective date. (69kV Transmission Line Re-build Project P4) The Public Utilities Board recommends approval (6-0).

Approved the minutes listed below.

- X. Consider approval of the minutes of: December 2, 2013 December 3, 2013  
December 10, 2013 December 17, 2013 December 19, 2013

Ordinance No. 2014-038

- Y. Consider adoption of an ordinance of the City of Denton, Texas, appointing Robin A. Ramsay as Presiding Judge for the City of Denton Municipal Court of Record; establishing a term of office for the presiding municipal judge in accordance with applicable state statutes; providing for renewal and extension of terms absent specific action by Council; authorizing the Mayor to execute a contract for term of office; and declaring an effective date.

Ordinance No. 2014-039

- AA. Consider adoption of an ordinance amending Ordinance No. 2012-366, by establishing term limits for the Board of Directors for Tax Increment Reinvestment Zone Number Two concurrent with the terms of the Economic Development Partnership Board; repealing all conflicting ordinances and portions thereof; and providing an effective date.

Item A was considered.

- A. Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on both sides of Wainwright Street from its intersection with Prairie Street to its intersection with Sycamore Street; providing a repealer clause; repealing Ordinance 57-10; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends approval (5-0).

Mayor Burroughs announced that Speaker Cards had been submitted for this item.

Ann Hunt, 413 Wainwright, Denton, 76201 stated that she owned a home on Wainwright and since the apartments were built on the west side, parking had become very crowded. Parking currently was allowed on the east side of the street. She felt there could be parking on one side of the street instead of taking away all of the parking. Some property owners on the street did not have a driveway or garage. She questioned where a service provider would park if there was no parking on both sides of the street.

Janice Hunt, 413 Wainwright, Denton, 76201 felt that for safety reasons parking needed to be restricted on one side of the street but not for both sides of the street. People in the homes would have limited access for parking. Some of the homes did not have a driveway and questioned where they would park their cars.

Mayor Burroughs questioned if modifications for parking on the east side of the street would address the fire safety issues and if that had been considered.

Laura Behrens, Fire Marshal, stated that in order to have parking on one side of a street, it had to be 26 feet wide. Wainwright did not meet that requirement.

Mayor Burroughs asked how close the street was to the 26 foot width.

Behrens stated that it was 25 feet in various locations with some narrower stretches than others but that the fire code for deployment was 26 feet.

Council Member Roden noted that the procedure indicated that staff did not have to notify the issue and did not notify the area residents. He felt that was important.

Behrens stated that the request was staff initiated due to the inability to navigate on the street. The issue went to the Traffic Safety Commission which asked for information from the Fire Marshal.

Council Member Roden stated that one of the options presented to the Traffic Safety Commission was to seek a variance to the fire code. He asked what the procedure was to do that variance.

Behrens stated that a variance had to go to the Safety Board to give a staff recommendation on whether to approve the variance.

Mayor Pro Tem Kamp felt there were other issues that the Traffic Safety Commission did not address. She questioned if they heard concerns from citizens.

Behrens stated that there were no citizens that made comments when the decision was made.

Mayor Pro Tem Kamp asked if the Traffic Safety Commission was aware of the challenges of the residents.

Behrens stated that they did have some of that information.

Mayor Pro Tem Kamp felt that there were some issues that were not considered before the recommendation was made. This was the first time Council had considered this item. If this was not an emergency situation, she would suggest tabling it to a date certain to get more information from the citizens and also remand it back to the Traffic Safety Commission.

City Attorney Burgess stated that Council had several options to consider. The item could be remanded back to the Traffic Safety Commission to have them look at it again in light of the concerns expressed by the residents. Council could also have staff gather additional information and continue consideration when that information was completed.

Mayor Burroughs stated that whether the Traffic Safety Commission was aware of citizen concerns or not, Council did not know that there were no driveways in the area. He questioned what happened to those residents with no driveway and if they would have to park on the grass.

Behrens stated she was not aware that this situation had been considered. The area had become a higher density area with higher structures than before. Fire apparatus had changed over time and newer features needed to be accommodated.

Council Member Hawkins stated that he would like more information on some of the statistics for the street width and the fire apparatus.

Council Member Gregory stated that notices to residences and property owners should go out when the Traffic Safety Commission reconsidered the item. He would like to have minutes of Commission meeting included in future Council backup. An option to consider might be to have no parking staggered maybe on the ends of the street. Accommodations needed to be made for those homes with no curb cuts. Perhaps parking permits could be issued if parking was allowed on one side only and restrict parking to residents on the east side of the street.

Mayor Pro Tem Kamp motioned, Council Member Hawkins seconded to table the item and remand it back to the Traffic Safety Commission. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member King "aye", Council Member Roden "aye", and Council Member Hawkins "aye". Motion carried unanimously.

Council considered Item Z.

- Z. Consider adoption of an ordinance of the City of Denton, Texas amending Chapter 13 ("Food and Food Service Establishments") of the City of Denton Code of

Ordinances by deleting Articles I, II, III, IV, V and VI in their entirety; adopting the Texas Food Establishment Rules promulgated by the Texas Department of State Health Services and making related deletions and amendments thereto; providing a severability clause; providing a savings clause; providing for a penalty not to exceed \$2,000 for violations of this ordinance; and providing for an effective date.

Council Member Gregory stated that he had some suggested amendments to consider for the proposed ordinance. He questioned whether to work through them at this meeting or do it at a later date.

Mayor Burroughs asked if staff had a chance to review the proposed amendments.

City Attorney Burgess stated that staff had briefly reviewed the amendments.

City Manager Campbell suggested providing Legal a chance to review the proposed amendments for any unintended consequences.

Mayor Burroughs suggested posting the amendments for public review.

Mayor Pro Tem Kamp stated that there had been no review or discussion of the proposed amendments. She would like to postpone them until they had time to discuss them in a work session.

Mayor Pro Tem Kamp motioned, Council Member King seconded to table the item until the next work session. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member King "aye", Council Member Roden "aye", and Council Member Hawkins "aye". Motion carried unanimously.

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance No. 2014-040

- A. Consider adoption of an ordinance of the City of Denton, Texas amending Ordinance No. 2013-330 to extend a "Standstill Agreement" between the City of Denton, Texas and EagleRidge Operating, LLC until midnight on March 4 2014, and retroactive to 11:59 p.m., January 31, 2014, with regard to certain disputes and issues over gas drilling in the City to allow the parties an opportunity to engage in global settlement negotiations as it concerns unresolved issues between them; and providing for an effective date.

City Attorney Burgess stated that Council passed a standstill agreement with Ordinance 2013-330 but that agreement had expired. The item before Council was an amendment to that ordinance with an attached extension until March 4th in order to allow the parties to continue to look at the issues.

Mayor Burroughs asked what would be the intent of the 30 day extension.

Burgess stated that it would enable EagleRidge and staff to continue to negotiate a global settlement.

Mayor Burroughs asked if during the 30 days would there be any other new wells other than those currently in the process.

Burgess stated no, that it was just an extension of time with no new drilling.

The following individuals submitted Speaker Cards:

Kelsey Fryman, 1606 E. McKinney, Denton, 76201 – opposed  
Alyse Ogletree, 3401 Buckthorn Lane Denton, 76226 – opposed  
Billy Brown, 1800 Woodbrook, Denton, 76205 – opposed  
Jonathan Adams, 2210 Westwood, Denton, 76205 – opposed  
Nicole Chochrek, 211 ½ Bryan, Denton, 76201 – opposed  
Jimmy Robinson, 3505 Wessex Court, Denton, 76210 - in favor of the extension  
Eugene Hargrove, 2025 Houston Place, Denton, 76201 – opposed  
Sandy Maltof, 4008 Vineyard, Denton 76226 – opposed  
Christina Bovinette, 412 Fry, Denton, 76201 – opposed  
Angie Holliday, 224 Bryan, Denton, 76201 – opposed  
Favio Rossani, 412 Fry, Denton, 76201 - opposed  
Mario Parga, 629 Boardwalk, Denton, 76205 – opposed  
Kelli Barr, 701 W. Sycamore, Denton, 76201 – opposed  
Angela Quijano, 1024 N. Ruddell, Denton, 76209 – opposed  
Fox Appalachia, 1401 Bolivar, Denton, 76201 – opposed  
Mark King, 3409 Buckthorn, Argyle, 76226 – opposed  
Maile Bush, 45011 Lacewood, Denton, 76226 – opposed  
Tara Linn Hunter, 804 West Hickory, Denton, 76201 – opposed  
Giovanni, Frigo, 911 Bernard, Denton, 76201 – opposed  
Mary Brown, 5001 Par Drive, Denton, 76208 – opposed

Mayor Burroughs stated that Comment Cards were submitted by:

Matthew Fry, 1600 Highland Park, Denton, 76205 – opposed  
Alexandra Ponette, 1600 Highland Park, Denton, 76205 – opposed  
Mary Lee Kendrick, 3304 Hornbeam Denton, 76226 - opposed  
Cathy McMullen, 805 Ecton, Denton, 76201 – opposed  
Michelle Soha, 1100 Ridgecrest, Denton, 76205 – opposed  
Tyler Breckenridge, 1033 W. Hickory, Denton, 76201 – opposed  
Lisa Henry, 212 Goodson Way, Denton, 76207 – opposed  
Nathan Bell, 508 South Carroll, Denton, 76201 – opposed  
Ed and Carol Soph, 1620 Victoria, Denton, 76201 – opposed  
Johnny Davis, 2620 Picadilly, Denton, 76209 – opposed  
Neil Durrance, 1108 N. Locust, Denton, 76201 – support  
Roy Ann Cox, 1902 Williamsburg Row, Denton, 76209 - support

Mayor Pro Tem Kamp suggested that everyone present share thoughts with Denton's State representatives.

Council Member Engelbrecht suggested editing the public comment from this meeting and forwarding it to Denton's State representatives.

Council Member Roden motioned, Council Member King seconded to adopt the ordinance. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member King "aye", Council Member Roden "aye", and Council Member Hawkins "aye". Council Member Engelbrecht "nay", and Council Member Gregory "nay". Motion carried.

## 6. **PUBLIC HEARINGS**

- A. Hold a public hearing and consider approval of the site proposed for reconstruction of the existing North Lakes Substation located north of Riney Road and east of Bonnie Brae Street in the northern area of Denton Municipal Electric's certificated service territory, in Denton County, Texas. The Public Utilities Board recommends approval (6-0).

Brent Heath, Executive Manager–Energy Management, presented information for Items A and B. He showed the locations of the sites and indicated that a public meeting had been held on November 11<sup>th</sup>. The Public Utilities Board held a public hearing and recommended that Option 2 be considered for the site. Option 2 would accommodate either transmission line route alternative.

Council Member Engelbrecht suggested staff consider moving the option further east so that the remainder of the lot would be large enough for a possible commercial venture.

Heath made a presentation for Item B. This project was for the Arco substation project in the northeast portion of the City. The substation needed to be reconstructed to allow additional transmission lines to be terminate in the station, to increase the bus and equipment ratings and provide a better layout and operational configuration for this station. He reviewed the results of a public meeting head on December 12<sup>th</sup> and the Public Utilities Board public hearing on January 13<sup>th</sup>. The Public Utilities Board recommended approval of the site as presented.

Mayor Burroughs opened the public hearings for both Item A and B.

Joyce Poole spoke in support of Option 2 for the North Lakes Substation.

The Mayor closed the public hearings.

Council Member King motioned, Mayor Pro Tem Kamp seconded to approve the site locations for both Item A and B. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member King "aye", Council Member Roden "aye", and Council Member Hawkins "aye". Motion carried unanimously.

- B. Hold a public hearing and consider approval of the site proposed for reconstruction of the Arco Substation located northeast of the intersection of Geesling Road and

Blagg Road in the eastern area of Denton Municipal Electric's certificated service territory, in Denton County, Texas. The Public Utilities Board recommends approval (6-0).

This item was considered with 6.A.

## **7. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

- 1. Jeremy Wells regarding fracking concerns.

Jeremy Wells spoke in opposition to fracking in Denton.

- 2. Monica Jones regarding high utility bills for persons on a fixed income.

Ms. Jones was not present at the meeting.

- 3. Billy Brown regarding fracking.

Mr. Brown spoke earlier in the meeting.

- 4. Jerome Riser regarding the Police Department, City Attorney's Office and several other local officials.

Mr. Riser was not present at the 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.



Mayor Burroughs requested that before the end of his term he would like an informal report through the Audit Finance Committee regarding not shopping Denton and the possibility of buy boards and cooperative agreements eliminating the use of local vendors. He would like a comparison to 10 years ago.

Council Member Roden requested a report regarding citizen complaints raised regarding gas wells and no response to those complaints. He suggested a matrix of the complaint, how it was handled, etc.

Council Member Gregory suggested showing residents how the dB meter worked. Personal contact should be made with those making complaints. In addition to the information in the report requested by Council Member Roden, include the complaints, the response and what the finding was regarding the complaint.

Council Member King noted that the Thin Line Film and Music Festival was starting next week.

Mayor Pro Tem Kamp stated that she had requested a number of times to have a Work Session for a side by side comparison of Austin's and Denton's food truck ordinance.

Council Member Hawkins stated that he had the same concern regarding no responses to gas well complaints.

Council Member King requested information on how the Purchasing Department scored bids and the training staff received on how to score bids, how the scoring was used, how it was developed and how it was being used.

Council Member Engelbrecht asked for a paper copy of the Flower Mound gas ordinance.

Mayor Burroughs asked for information on whether Flower Mound had any pre-existing wells that might be subject to re-drilling.

Council Member Engelbrecht requested information on how many wells Flower Mound had and the extent of the Barnett Shale under Flower Mound.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 9:28 p.m.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS