

OF DENTON CITY COUNCIL MINUTES

April 17, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 17, 2018 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Mayor Watts, Council Member Hudspeth

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 April 17, 2018.

Staff responded to Council requests for clarification on the following:

Council Member Briggs - pull Consent Agenda Item K for separate consideration.

3. Citizen Comments on Ethics Related Work Session Report Items

There were no citizen comments on the Ethics Related Work Session Report Item.

4. Work Session Reports

A. ID 18-606 Receive a report, hold a discussion, and provide direction to staff on the Denton Development Code Update, specifically regarding development standards (Module 3) and draft zoning map.

Tareq Mafaie, Clarion and Associates, presented information concerning the revisions to the Denton Development Code. He noted the contents of the development standards and goals for the standards. Specific topics included landscaping, buffering, screening and fences. He noted a summary of changes for this module.

Council discussed the simplified buffering standards and buffering between different types of zoning.

Mafaie continued with the parking and loading section. He noted the current system and summary of changes.

Council discussed situations with Uber and associated passenger loading spaces.

Mafaie presented information regarding site and building design in terms of organization and design elements as well as the key changes.

Council discussed the proposed changes for the various sections of the module.

Mafaie presented information on the last section of exterior lighting. He noted the key changes in the proposed module. He reviewed the subdivision summary of changes that included flag lot standards, and the cluster subdivision tool. Next steps in the process were noted as well as information on the zoning map update including public open houses on the zoning map.

Council Member Hudspeth arrived at the meeting.

- B. ID 18-094 Receive a report, hold a discussion, and give staff direction regarding the location of the Mayhill substation.

Ethan Cox, Director of Solid Waste, presented background information on the location of the Mayhill Substation which included a site already located on the current landfill site. He noted future landfill development in terms of an expansion permit, impact of current substation location, and recommendation by the Solid Waste staff to explore an alternative substation site.

Brent Heath, Executive Manager of Energy Delivery, presented background information on the substation location, project purpose, alternate project, DME system plan in terms of the Mayhill Substation area, and next steps.

Council discussed the benefits of the Mayhill Substation that might not be realized if the station was not there and feasibility of providing future infrastructure at this time rather than wait until the need was there.

Council consensus was to proceed with the transmission line only.

- C. ID 18-235 Receive a report, hold a discussion, and provide staff direction regarding an update to the existing Denton Municipal Electric - Energy Risk Management Policy.

George Morrow, General Manager - DME, presented the staff report on the update of the existing Denton Municipal Electric-Energy Risk Management Policy. He noted the reason a risk policy was needed, energy management activities in real time and in the longer term, and the Energy Management organization.

Phil DiPastina, Senior Risk Control Analyst, presented the objectives of the update, information on the Risk Management Committee, Phase 1 changes in terms of program overview, organizational structure, risk protocols and exposure control, risk reporting, and proposed changes to Appendix A, C and D.

Consensus of the Council was to proceed with the staff recommendation including a discussion regarding ozone quality levels and a procedure plan.

- D. ID 18-616 Receive a report, hold a discussion, and give staff direction regarding an ethics ordinance from attorney Alan Bojorquez.

Alan Bojorquez presented information on Draft Ordinance D in terms of changes. Those included 3-112 Mandates - Business Disclosures; 3-113 Prohibitions - conflicts of interest, and representation of others.

Council discussion included:

- Whether the provision would apply if a Council Member asked a question of staff and had recused himself from deliberation of an item in terms of representation of others
- The provision covered a ministerial act as opposed to policy act

Bojorquez continued with 3-115 Legal Counsel in terms of City Attorney and Special Counsel; 3-117 Board of Ethics - number, terms and removal; and 3-122 Disposition - sanctions and recommendation of suspension.

Council discussed:

- Definition of simple majority vote
- Comments on Draft F 2-268 Applicability - complainants following procedures
- Former City official - one year term as a former city official
- Representation of others regarding former city officials - exception for owner of small business and the sole source of specialized knowledge or expertise
- Whether there was a need for this provision with a small family owned business - only related to the person who served - not a family member -- as written might create more problems, a spokesperson could represent the entity
- Consider varying levels of the prohibition among Council and various board/commission members
- Whether a recusal would affect all board/commission members
- Former members might have different subsections for application of the ordinance
- Whether a definition of "small business" needed - consensus was to keep the language of new business

Bojorquez questioned if Council wanted the lobbying of staff to remain in the ordinance.

Council discussed whether this would be a former member lobbying staff for pay or just boards and commissions. It was determined to prohibit if it was discretionary. Other discussion points included the recusal language, change the small business language to not be the same business and consider adding the Historic Landmark Commission.

City Attorney Leal recommended that the effective date of the ordinance be delayed for at least two months in order to create the infrastructure.

Council discussed:

- Whether this should be a specific date or when the committee was formed
- Consider September 1 for the effective date
- Consider not voting on the ordinance at this meeting as the Mayor was not present
- A clean version of the ordinance was needed before voting on it need

Consensus of the Council was to postpone voting for a week but continue with the public hearing at this meeting.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 18-657 Deliberation regarding Personnel Matters - Under Government Code Section 551.074; Consultation with Attorney - Under Texas Government Code Section 551.071.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contract of the City Attorney.

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

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 18-661 National Small Business Week

Mayor Pro Tem Bagheri presented the proclamation for National Small Business Week.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public

There were no scheduled citizen reports.

- C. Additional Citizen Reports

David Smith spoke regarding DCTA and the Connect System. He noted that the Connect System was the most expensive in the State and presented various statistics regarding the transit system.

4. CONSENT AGENDA

Council Member Gregory motioned, Council Member Ryan seconded to adopt the Consent Agenda and accompanying ordinances and resolutions except for Item K pulled for individual consideration. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Pro Tem Bagheri "aye". Motion carried unanimously.

Approved the minutes listed below

- A. ID 18-528 Consider approval of the minutes of March 5, March 6, March 20, and March 27, 2018.

Ordinance No. 18-551

- B. ID 18-551 Consider adoption of an ordinance of the City of Denton, Texas to amend the City of Denton Code of Ordinances related to Section 2-29 (City Council Rules of Procedure) Subsection (G)(4) (recording of votes) to include the recording of votes for each council member within all ordinances and resolutions; providing for a severability clause; and providing for an effective date.

Ordinance No. 18-574

- C. ID 18-574 Consider adoption of an ordinance of the City of Denton, Texas to amend Section 2-29 ("Council Rules of Procedure") of the City of Denton Code of Ordinances related to Section 3.B. items ("Receive Scheduled Citizen Reports from Members of the Public") of the City Council's regular meeting agenda; providing for a severability clause; and providing for an effective date.

Ordinance No. 18-577

- D. ID 18-577 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract# DIR-TSO-4025 for the supply of mobile digital computers (MDC) for Public Safety; providing for the expenditure of funds therefor; and providing an effective date (File 6718- awarded to CDW-G, in the amount of \$93,936).

Ordinance No. 18-578

- E. ID 18-578 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Coleman & Associates Land Surveying, for Landfill Surveying Services as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6585- Professional Services Agreement for Landfill Surveying Services awarded to Coleman & Associates Land Surveying, in the three (3) year not-to-exceed amount of \$300,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-580

- F. ID 18-580 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the Argyle Independent School District (ISD), under the Government Code, Chapter 791, to authorize City of Denton contracts for the purchase of various goods and services including light duty vehicles; authorizing the expenditure of funds therefor; and declaring an effective date (File 6754-Interlocal Cooperative Purchasing Agreement with the Argyle ISD).

Ordinance No. 18-581

- G. ID 18-581 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 515-16

for the purchase of two (2) replacement 2018 model Trench Rollers for the City of Denton Wastewater Collection Department; providing expenditure of funds therefor; and providing an effective date (File 6774- awarded to Kirby-Smith Machinery Inc., in the amount of \$63,250). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-586

H. ID 18-586 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a public works contract for the construction of the Denton West lift station and yard piping installation; providing for the expenditure of funds therefore; and providing an effective date (IFB 6720- awarded to WillCo Underground, in the not-to-exceed amount of \$239,500). The Public Utilities Board recommends approval (6-0).

Resolution No. 18-598

I. ID 18-598 Consider approval of a resolution of the City Council of the City of Denton, Texas approving the Watershed Protection division's sponsorship agreement with Keep Denton Beautiful, Inc., in the amount of \$8,000. The Public Utility Board recommended approval (6-0).

Ordinance No. 18-599

J. ID 18-599 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of Change Orders No. 2 and 3 to the contract between the City of Denton and Jagoe-Public Company; providing for the expenditure of funds therefor; and providing an effective date (RFP 6218- Change Orders No. 2 and 3 in the amount of \$99,573.78 for a total contract award aggregating to \$1,571,294.78). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-650

L. ID 18-650 Consider adoption of an ordinance authorizing the City Manager to surrender to Bloomfield Homes, L.P. that certain irrevocable standby letter of credit dated November 12, 2013, drawn on Texas Capital Bank, N.A. in the amount of \$176,143.93 in which Bloomfield Homes, L.P. is the applicant and the City of Denton, Texas is the beneficiary and further partially releasing Bloomfield Homes, L.P. from financial obligations concerning the construction of water and wastewater lines included in that certain letter agreement dated December 29, 2000 by and between the City of Denton and Wynne/Jackson Lakes Development, L.P. as a successor in interest; and providing severability and an effective date. The Public Utilities Board recommended approval (6-0).

Ordinance No. 18-671

M. ID 18-671 Consider adoption of an ordinance of the City of Denton, Texas approving a City sponsorship in an amount not to exceed \$355 of in-kind services and resources for the Freedom Town 2.0 Reloaded: Movie in Fred Moore Park, on Friday, May 4, 2018, at Fred Moore Park; and providing an effective date.

Council considered Item K pulled for separate consideration.

Ordinance No. 18-621

- K. ID 18-621 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$10,110,000 in principal amount of Certificates of Obligation of the City of Denton for General Government projects; and providing for an effective date. Audit/Finance Committee approves 3-0.

Council Member Briggs recused herself from deliberation/vote on this item.

Tony Puente, Director of Finance, presented the staff report regarding the Notice of Intent. He noted the purpose of the Notice, CO funded projects in General Government, GO funded projects in General Government, and the next steps in the process.

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

Council Member Briggs returned to the meeting.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-618

- A. ID 18-618 Consider approval of a resolution incorporating a City of Denton Employee Ethics Policy, Reference number 10.00, within the City of Denton Personnel Policies and Procedures; repealing the City's Nepotism and Outside Employment policies, Reference number 102.08 and 108.09, of City of Denton's current policies and procedures; and providing an effective date.

Cassie Ogden, Director of Procurement and Compliance, presented the staff report for the Employee Ethics Policy. She noted the background of the policy and the need for the employee ethics policy. Key provisions included conflicts of interest; gifts, meals or entertainment; honorariums; games of chance; use of city resources; annual training requirement and reporting unethical conduct. Revisions after the April 10th Council meeting were presented along with the recommendation to adopt the employee ethics policy.

Council discussed the political activity section in terms of an employee's ability to vote on city time and the effect on political activity such as endorsement of political candidates while in uniform.

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

Mayor Watts joined the meeting.

Ordinance No. 18-633

- B. ID 18-653 Consider adoption of an ordinance authorizing the City Manager, or his designee, to sign a Confidentiality Agreement with New Braunfels Utilities (NBU) to enable the City of Denton to review proposals received by NBU from their request for proposals for renewable power from solar energy resources.

George Morrow, General Manager - DME, made the staff presentation for the solar power resources RFP with New Braunfels Utilities and the associated confidentiality agreement.

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

6. PUBLIC HEARINGS

ID 18-619 Hold a third public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Code of Ordinances, related to Chapter 2 titled "Administration" Article XI titled "Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting.

The Mayor opened the public hearing.

Alan Bojorquez presented the process of creating a Code of Ethics. He noted the major changes from Drafts "C" to "D" including the business disclosure conflicting interest.

The following individuals spoke during the public hearing:

LeeAnn Todd - in support
Ken Gold - in support
Kim McKibben - in support
Jennifer Lane - in support

The Mayor closed the public hearing.

Council Member Gregory motioned to postpone consideration of the ordinance until April 24th to review clean draft of the ordinance.

Council discussed the two year limit time frame for limitation on former council members, small business exceptions, review the Charter provisions to be sure the ordinance was in compliance and review the Committee recommendations for a final review. They also discussed the effective date of the ordinance which currently was September 1, 2018 and the reasons for having that effective date. Consensus of the Council was to maintain the September 1, 2018 effective date.

Council Member Gregory motioned, Council Member Ryan seconded to table the ordinance to a date certain of April 24, 2018. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council

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

Ordinance No. Z18-0005a

- B. Z18-0005a Hold a public hearing and consider adoption of an ordinance to rezone approximately 5 acres from Downtown Residential 1 (DR-1) and Downtown Residential 2 (DR-2) districts to a Downtown Commercial General (DC-G) District. The subject property is located at 610 N. I-35E, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted 5-0 to approve this request. (Z18-0005a, Denton Baptist Temple, Shandrian Jarvis Ugwoke).

The Mayor opened the public hearing.

Shandrian Jarvis Ugwoke, Development Services, presented the staff report for the rezoning of 5 acres by the Denton Baptist Temple. She noted the site data, the criteria for approval, analysis with the Future Land Use Plan, zoning compatibility, public facilities, public notification, and recommendation of approval by the Planning and Zoning Commission and staff.

Kim McKibben spoke regarding an intersection in the area.

The Mayor closed the public hearing.

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

Ordinance No. DCA18-0002a

- C. DCA18-0002a Hold a public hearing and consider adoption of an ordinance regarding a proposed revision to the Denton Development Code; specifically to remove Limitation 34 in Subchapter 5 Zoning Districts and Limitations related to the square footage and number of truck bays for the Distribution Center/Warehouse, General and Warehouse, Retail uses in the Employment Center Districts; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (DCA18-0002, Limitation 34, Hayley Zagurski).

The Mayor opened the public hearing.

Hayley Zagurski, Development Services, presented the staff report on the requested revision to the Denton Development Code in terms of square footage and number of truck bays for Distribution Center/Warehouse. She noted the background of the provision, considerations, and recommendation of approval by the Planning and Zoning Commission and staff.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

7. 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 Pro Tem Bagheri requested an Informal Staff Report regarding signal box murals and what other cities were doing.

Council Member Briggs requested information on the tree mural on the train bridge on Dallas Drive

Council Member Ryan requested that the Code be reviewed to ensure it was updated with the most updated ordinances.

Council Member Hudspeth requested information concerning the Wills family and how they could get compliant with fire regulations.

- 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 7:47 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS