

CITY OF DENTON CITY COUNCIL MINUTES

May 1, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 1, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Briggs

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 May 1, 2018.

There were no requests for clarification of agenda items.

3. Work Session Reports

- A. ID 18-712 Receive a funding recommendation report from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC), and hold a discussion and give staff direction regarding these recommendations, activities, and the proposed 2018 Action Plan for Housing and Community Development.

Barbara Ross, Community Development Manager, presented the staff report concerning the funding recommendations. She noted the Committee meetings, training for organizations and organization submission along with February and March presentations to the Committee to discuss the proposed projects. She noted the funding history of the CDBG Funds and HOME Funds. Proposed 2018-19 funding was based on last year's funding until the allocation was received from the Federal government.

Council discussed how the allocation was divided between the two activities of Human Services and Community Development.

Community Development Advisory Committee Chair Larry Varnes presented the funding recommendations from the Committee. He noted the CDBG/HOME sources of funding and the proposed funding recommendations.

Council discussed the types of repairs included in the minor repair program and funding for the street, water and sewer repairs.

Hannah Garcia, Chair-Human Services Advisory Committee, presented the Committee's recommendation for funding. She noted the primary service activities involved in the funding requests.

Council discussed funding for Boys/Girls Club.

Garcia continued with topics that the Committee felt were important for consideration including affordable housing, work force wage earnings, and employee retention in the service organizations.

Ross presented the next steps in the process and noted that the Action Plan was posted on the City's website.

- B. ID 18-721 Receive a report, hold a discussion, and give staff direction regarding policies, procedures, and contractual agreements with non-profit agencies.

Bryan Langley, Deputy City Manager, presented the staff report on policies, procedures and contractual agreements with nonprofit agencies. He noted the background information on the general audit report recommendations on the Parks Foundation. It was noted that there were broad recommendations that could apply to other nonprofit organizations. Keep Denton Beautiful, Denton Animal Support Foundation, and Friends of the Denton Public Library were other organizations that were reviewed in terms of procedures and policies in their contractual agreements. He presented recommendations for the three organizations for policies and procedures.

Council discussion included:

- Proceed but with caution to build and confirm the relationships that the City had with these organizations and that no damage would be done to those relationships
- Consider changing the responsibilities of the Parks Board as it was no longer involved with beautification
- Keep Denton Beautiful current location, the rent associated with that location and whether the staff should be located in a city facility

- C. ID 18-773 Receive a report, hold a discussion and give staff direction regarding the construction of the G. Roland Vela Athletic Complex capital project.

Gary Packan, Director of Parks and Recreation, presented the staff report on the complex capital project. He noted questions from the prior council meeting and corresponding answers. Options to consider included #1 which was to proceed as designed, #2 redesign the facility by removing the concession area and the breezeway; #3 included a prefabricated structure with restroom/concession only and addition to storage facility; and #4 included prefabricated structure with restroom/concession only with family changing area with a storage cube and utilities box to be added. He noted that the appropriate number of restrooms was raised at the last meeting and presented details regarding the assumptions for the number of suggested restrooms. He also presented a restroom and concession options summary for all components of the costs along with the total funding summary.

Council Member Hudspeth noted that he was in favor of Option 1.

Council Member Duff stated that he favored Option 1.

Council Member Briggs arrived at the meeting.

Council discussed the specific costs for restrooms, the concession stand, and the breezeway.

Mayor Watts stated that he had questions for the contractor regarding costs such as HVAC.

The contractor explained that they subbed out some of the tasks that were more specialized by taking bids from companies and proceeded from there.

Council Member Briggs stated that she was not in favor of Option 1 and suggested splitting the project with the City as the general contractor.

Council Member Gregory stated that he favored Option 1 as it met programming goals; allowed for tournaments which also favored other aspects in the community; and was the most flexible. He suggested using construction management for future projects.

Mayor Pro Tem Bagheri favored Option 3.

Council Member Ryan was in favor of Option 1.

Mayor Watts stated that he favored Option 1 with no further similar construction costs in the future unless there was justification on the costs.

Consensus of the Council was to move forward with Option 1.

Following the completion of the Work Session, the 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 18-682 Deliberate regarding Real Property - Under Texas Government Code 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to an Airport lease reimbursement request where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with an Airport lease reimbursement request where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton, the Denton City Council, and the Council Airport Committee under the Texas Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations or potential litigation.

B. ID 18-729 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss and deliberate strategies and opportunities for the City to acquire natural gas for the DEC and enter into agreements regarding the same; receive a presentation from staff regarding public power competitive and financial matters for the purchase of natural gas under an existing Base Contract for the Purchase and Sale of Natural Gas with Enterprise Products, LLC, for the operation of the Denton Energy Center ("DEC"). Consultation with the City's attorneys regarding legal issues associated with the agreements described above where discussion of these legal matters in an open meeting would conflict with the duty of

the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- C. ID 18-772 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.

Council Member Briggs was not present for the meeting.

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 18-678 National Day of Prayer

Mayor Watts presented the proclamation for National Day of Prayer.

- B. ID 18-680 Elite Material and Logistics Solutions 20-Year Celebration

Mayor Watts presented the proclamation for Elite Materials and Logistics Solutions 20 year celebration.

- C. ID 18-681 Children's Mental Health Awareness Day

Mayor Watts presented the proclamation for Children's Mental Health Awareness Day.

- D. ID 18-689 Motorcycle Safety and Awareness Month

Mayor Watts presented the proclamation for Motorcycle Safety and Awareness Month.

- E. ID 18-725 The Mayor's Day of Concern for the Hungry

Mayor Watts presented the proclamation for the Mayor's Day of Concern for the Hungry.

- F. ID 18-788 Drinking Water Week

Mayor Watts presented the proclamation for Drinking Water 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.

1. ID 18-602 Stephanie Reinke regarding updated services that Children's Advocacy Center for Denton County provides for the Denton community.

Ms. Reinke provided information on updated services that the Children's Advocacy Center for Denton County provided for Denton County.

2. ID 18-676 Pat Smith regarding the Neighbor Helping Neighbor Program.

Pat Smith presented information on the Neighbor Helping Neighbor Program which connected those without resources who needed help with home repairs to those who wanted to help.

3. ID 18-699 Carlie Kuban regarding a new Serve Denton Center.

Ms. Kuban presented information on the new Serve Denton Center which would house nonprofit organizations to assist citizens with needs.

4. ID 18-714 Nathaniel Johnson regarding Parks and Recreation fees.

Mr. Johnson was not present.

C. Additional Citizen Reports

Willie Hudspeth spoke regarding the lack of African Americans and Hispanics in the Denton Fire Department. He noted that the NAACP could no longer use the Community Room at the Central Fire Station.

4. CONSENT AGENDA

Mayor Pro Tem Bagheri motioned, Council Member Hudspeth seconded to approve the Consent Agenda and accompanying ordinance and resolutions. On roll call vote, Council Member Hudspeth "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. 18-237

- A. ID 18-237 Consider adoption of an ordinance of the City Council of the City of Denton, Texas repealing Ordinance No. 2014-060; approving and adopting the "2018 Denton Municipal Electric - Energy Risk Management Policy" ("2018 ERMP"); authorizing and approving the execution by the Mayor, or his designee, of the 2018 ERMP; expressly delegating authority as provided in the 2018 ERMP; authorizing and approving the subsequent execution of such other ancillary and related

documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements as are authorized by the 2018 ERMP, which are incident to or related thereto; confirming and ratifying that the City of Denton, Texas, its Mayor, its City Council Members, its City Manager, or his designees, its City Attorney, or his designees, and its City Secretary, or her designees, shall be authorized and empowered to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2018 ERMP; finding that the purchase of electricity, natural gas and related commodities are exempt from the requirements of competitive bidding; adopting significant recitations, findings and conclusions, as are set forth in the preamble of the ordinance; that the purchase of electric energy, natural gas and related commodities are made by the City under the terms of the "Denton Municipal Electric - Energy Risk Management Policy" is in the public welfare of the citizens of Denton, Texas and the Denton Municipal Electric Ratepayers; authorizing the expenditure of funds therefor; providing an effective date.

Ordinance No. 18-585

B. ID 18-585 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive proposals and awarding a public works contract for the replacement of the roof at City Hall Main, South Branch Library and Fire Station No. 1 for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6683- awarded to Globus Management Group, LLC, in the not-to-exceed amount of \$1,354,772.13).

Ordinance No. 18-683

C. ID 18-683 Consider adoption of an ordinance of the City of Denton establishing Rates and Fees for City owned property and facilities upon Denton Enterprise Airport; and declaring an effective date. The Council Airport Committee recommends approval (2-0).

Ordinance No. 18-686

D. ID 18-686 Consider adoption of an ordinance of the City of Denton, Texas terminating the August 15, 2017 Airport Lease Agreement between the City of Denton and GAhangars, LLC; and providing an effective date. The Council Airport Committee recommends approval (2-0).

Ordinance No. 18-696

E. ID 18-696 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 6755 for the physical natural gas supply to provide fuel for the Denton Energy Center; and providing an effective date (IFB 6755). The Public Utilities Board recommends approval (5-0).

Ordinance No. 18-717

F. ID 18-717 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to reimburse One Hundred Forty-Nine Thousand Three Hundred Dollars (\$149,300) to Denton Med Trans, LLC for site

grading and main sewer line installation for Airport development site improvements; authorizing the expenditure of funds and an effective date. The Council Airport Committee recommends approval (2-0).

Ordinance No. 18-726

G. ID 18-726 Consider adoption of an ordinance of the City of Denton, Texas, granting the Denton Mud Bug Boil, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, May 6, 2018, from noon to 6 p.m. in a private parking lot located at 1121 W. Hickory St.; granting a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. Z17-0032b

A. Z17-0032b Consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 6 (NR-6) district and use classification to a Neighborhood Residential 12 (NRMU-12) district and use classification with an overlay on approximately 8.887 acres of land generally located on the southwest side of Colorado Boulevard, approx. 315 feet northwest of San Jacinto Boulevard, 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. This item was continued from the April 3, 2018 City Council meeting.

Cindy Jackson, Senior Planner, presented the staff report regarding the continuation of the consideration of the proposed development. The continuation was to work out an alternate access plan for the development without going through the Villas of Piney Creek. She reviewed the options identified for the access point. The Planning and Zoning Commission recommended approval with conditions.

Council discussed the conditions associated with the proposal and whether the options were discussed with the developer.

Speaker Cards were submitted by:

Eric Schmitz, 207 W. Hickory, Denton – favor

Comment Cards were submitted by:

Daniel Kettler, 1925 Canyon Court, Denton – opposed
Marvin Jeffries, 9301 Grandview, Denton – support
Gudran Jeffries, 9301 Grandview, Denton – support
Lisa Kettler, 1925 Canyon Court, Denton – opposed
Mike Lanbert, 225 W. Hickory, Denton - support
Keith Jeffries, 3008 Blake, Corinth – support
Tammy Jeffries, 3008 Blake, Corinth – support
Colette Brandon, 1921 Canyon, Denton - opposed

Council Member Hudspeth motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance with the proposed overlay and the access points at the northern most access to the property. On roll call vote, Council Member Hudspeth "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. 18-687

- B. ID 18-687 Consider approval of a resolution of the City Council of the City of Denton, Texas requesting the State of Texas and Department of Public Safety ("TXDPS") to take action to resolve significant concerns at the TXDPS Field Office located at 820 N Loop 288, Denton, TX; and providing an effective date.

Sarah Kuechler, Director of Public Affairs, presented the staff report on the proposed resolution. She noted the background information concerning the significant concerns with the site as it was an undersized facility, lacked parking and access and had substantial wait times. The building was owned by the State and not subject to city regulations. State Representative Stucky's office indicated that his office had begun discussions with the DPS on the City's concerns. The proposed resolution would request the State and DPS to take action to identify and fund solutions.

Willie Hudspeth spoke about the conditions of the facility.

Council Member Gregory motioned, Council Member Ryan seconded to approve the resolution. On roll call vote, Council Member Hudspeth "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. 18-709

- C. ID 18-709 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 for the supply of emission system reducing agent (ammonia) for the Denton Energy Center with Southern Ionics, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6701- awarded to Southern Ionics, Inc., in the three (3) year not-to-exceed amount of \$1,287,772.50). The Public Utilities Board recommends approval (5-0).

Chris Lutrick, DME, presented the staff report for the ammonia contract. He noted the chemical properties, industrial and household uses; the aqueous ammonia in the SCR; AA storage and handling; the emergency response plan; and the summary of bids.

Council Member Hudspeth motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Mayor Pro Tem Bagheri "nay". Motion carried with a 5-1 vote.

Ordinance No. 18-727

- D. ID 18-727 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or designee, to execute a transaction confirmation for the purchase of natural gas under an existing base contract for sale and purchase of natural gas

between the City of Denton and Enterprise Products Operating, LLC, a Texas limited liability company; and providing for an effective date. The Public Utilities Board recommends approval (4-1).

Council Member Briggs arrived at the meeting.

George Morrow, DME General Manager, presented the staff report for the purchase of the natural gas.

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

6. PUBLIC HEARINGS

Ordinance No. 18-757

- A. ID 18-757 Hold a fourth 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"; providing for findings of facts; providing a repealer; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

Bryan Langley, Deputy City Manager, presented the staff report on the proposed ethics ordinance. He noted the background information, key elements, revisions from Draft Version G to the current proposed version; and noted changes as requested by Council Member Ryan in the ordinance.

The Mayor opened the public hearing.

Jennifer Lane, 152 Willowood, Denton - spoke in favor

Greg Johnson, 319 W. Oak, Denton – spoke in favor with an amendment that the subcommittee meetings should be closed until findings were determined to move forward with the complaint; more penalties in the ordinance for violations rather than just a letter

Erik Clark, no address given – suggested the meeting for the validity of the claim should be closed or redact the name of complainant/accused until it was determined that there was a cause for a hearing

Comment Cards were submitted by:

Matt Farmer, 1809 Redwood, Denton – support

Ed Steele, 321 W. Oak, Denton – support

Anne Sullivan, 2225 Pembroke, Denton – support

Willie Hudspeth, an additional speaker, was in support.

The Mayor closed public hearing.

Council Member Ryan noted that the ability to withhold names for the subcommittee could be put in the rules of procedures.

Council Member Gregory motioned to amend the ordinance that the issuance and enforcement of subpoenas shall be only upon an affirmative vote by two thirds of the Board of Ethics. Council Member Ryan seconded the motion.

Council discussed the proposed amendment and the effect it would have in the ordinance.

On roll call vote for the amendment, Council Member Ryan "aye", and Council Member Gregory "aye". Council Member Hudspeth "nay", Council Member Briggs "nay", Council Member Duff "nay", Mayor Pro Tem Bagheri "nay", and Mayor Watts "nay". Motion failed with a 2-5 vote.

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded to adopt the ordinance with the changes as noted by staff. 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 Z17-0034b

- B. Z17-0034b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from a Regional Center Commercial Neighborhood (RCC-N) zoning district to a Regional Center Commercial Downtown (RCC-D) zoning district and use classification on approximately 0.808 acres of land generally located on the northeast side of the I-35E, approximately 627 feet southeast of S. Mayhill Road 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 recommend approval (7-0).

Cindy Jackson, Senior Planner, presented the staff report on the proposed rezoning. She noted the current zoning and proposed zoning, analysis of the proposal with the Denton Plan 2030; zoning compatibility; public facilities; notifications; and recommendations

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Ryan motioned, Mayor Pro Tem Bagheri 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 Z17-0033b

- C. Z17-0033b Hold a public hearing and consider an ordinance of the City of Denton, Texas, regarding assignment of an initial zoning classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 0.30 acres of land generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane 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 recommends approval (7-0).

Cindy Jackson, Senior Planner, presented the staff report for the proposed initial zoning classification. She noted the current and proposed zoning, analysis with the Denton Plan 2030; zoning compatibility; public facilities; notifications; and recommendations.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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", 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

Council Member Briggs noted the lack of bike racks in the Downtown area and suggested adding more.

Council Member Briggs requested a Work Session/Closed Session regarding the purchase of small stands of trees with the tree fund.

Council Member Briggs requested an Informal Staff Report on first responders and a gap analysis with other cities for counselling services for first responders.

Council Member Briggs suggested adding the number to call regarding loose dogs to the utility bills due to the increasing number of loose dogs.

Council Member Briggs request Council consider passing a resolution to not turn on and operate the DEC at a loss.

Council Member Ryan requested an Informal Staff Report on the time required to update the Municipal Code on the website and the cost difference if the City took on the updates.

Council Member Ryan requested information on a 311 app for citizens to report issues.

Council Member Hudspeth suggested connecting with TWU in regards to the preservation of the trees on the former golf course.

Mayor Watts noted that there were additional voting locations and information needed to get out to the voters on where to vote.

B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS