

CITY OF DENTON CITY COUNCIL MINUTES

November 1, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, November 1, 2016 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Roden, Council Member Wazny, Council Member Briggs, Council Member Hawkins, Council Member Gregory, Council Member Bagheri, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

Willie Hudspeth spoke on the addition to the Members to the Ethics Committee. He favored moving the item to open discussion instead of having it on the Consent Agenda. He also spoke on the Closed Meeting parameters.

2. Requests for clarification of agenda items listed on the agenda for November 2, 2016.

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

Council Member Briggs – Consent Agenda Item A

Interim City Manager Martin stated that Consent Agenda Items A, B, C and G would be considered individually.

City Attorney Burgess stated that there were substitute ordinances for Items 5C and 5D which noted a change in the signature line.

Mayor Watts asked Council if they wanted to hold a discussion on Agenda Item 5G, the wireless ordinance, during the Work Session or in the regular meeting. Consensus was to have the discussion during the regular 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 16-1355 Deliberations regarding a Personnel Matter under Government Code Section 551.074 and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a City Manager and consultation, deliberation and receipt of information from the City attorneys involving legal matters relating to employment law and interviewing of candidates, where a public discussion of these legal matters would clearly conflict with the duty of the City's attorneys to the City of Denton under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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 public recited the Pledge of Allegiance to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

A. ID 16-745 Veteran's Day Proclamation

Mayor Watts presented the proclamation for Veteran's Day.

B. ID 16-1399 America Recycles Day

Mayor Watts presented the proclamation for America Recycles Day.

C. ID 16-1406 Presentation of the 2016 Gold Leaf Award for Outstanding Landscape Improvement to the City of Denton by the Texas A & M Forest Service and the Texas Chapter of the International Society of Arboriculture.

The Texas A & M Forest Service presented the 2016 Gold Leaf Award to the city of Denton.

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 16-1323 Deborah Armintor regarding an ethics ordinance and Charter changes.

Ms. Armintor spoke in favor of an ethics ordinance and raising the bar in terms of the provisions for an ordinance. She also felt the ordinance should apply to staff as well as elected officials. Rules should be in an ordinance and not in the Charter so it did not have to be revised so often.

2. ID 16-1425 Amber Briggle regarding Serve Denton's Little Food Pantry and food insecurity in Denton.

Ms. Briggle presented information on Serve Denton's Little Food Pantry. They would like to have 20 pantries around Denton by February and were looking for sponsors who would maintain the pantry with food. She asked if Council would sponsor one at a home, business or neighborhood. This was one small piece in an effort to help neighbors who did not have food.

3. ID 16-1426 Pat Smith regarding Serve Denton's Little Food Pantry and food insecurity in Denton.

Mr. Smith presented information on people who were currently hungry in Denton and reviewed information on the problem of the hungry in Denton and Denton County. Some of those problems included too high an income level to qualify for programs and not enough money for necessities during the week. He presented information on the Denton Mobile Pantry program.

4. ID 16-1447 Willie Hudspeth regarding the selection process for the Charter Review Committee and the scheduling of the Council Work Sessions.

Mr. Hudspeth spoke on the issue of the meeting times for the Work Session if the thought was to get citizens more involved in the business of the Council. He questioned what would change if the Council passed the "hands free" ordinance and felt that the key was to educate drivers.

C. Additional Citizen Reports.

There were no additional Citizen Reports

4. CONSENT AGENDA

Mayor Watts noted that Consent Agenda Items A, B, C and G would be pulled for separate consideration.

City Attorney Burgess stated that there was a minor amendment for Consent Agenda Item I with a substitute page for the agreement. That should be noted in any motion for approval.

Council Member Hawkins motioned, Mayor Pro Tem Roden seconded to approve the Consent Agenda and accompanying ordinance and resolutions with the exception of Items A, B, C and G and with the substitute page for Item I. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2016-334

- D. ID 16-1362 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Commvault Simpana, an E-mail archive and retention system as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRect Program, Contract Number DIR-SDD-2500; providing for the expenditure of funds therefor; and providing an effective date (File 6124-awarded to SHI Government Solutions in the three (3) year not-to-exceed amount of \$250,000).

Ordinance No. 2016-335

- E. ID 16-1373 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton County Bar Association for the purpose of Adoption Day in Denton County; providing for the expenditure of funds therefor; and providing for an effective date. (\$550)

Ordinance No. 2016-336

- F. ID 16-1374 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Community Clinic for the purpose of Health Care Services; providing for the expenditure of funds therefor; and providing for an effective date. (\$1,100)

Ordinance No. 2016-337

- H. ID 16-1393 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton a First Amendment to an Airport Lease Agreement as approved by Ordinance 2015-324 on August 4, 2015 between the City of Denton, Texas and Mark Hicks Transport, LLC for the property located at 4901 Lockheed, Denton Enterprise Airport; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-338

- I. ID 16-1394 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and Denton Med Trans, LLC for the property located at 2200 Westcourt Road; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-339

- J. ID 16-1395 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an approval of sublease for the property located at 2200 Westcourt as approved by Ordinance 2016-XXX on November 1, 2016 between the City of Denton, Texas and Denton Med Trans, LLC; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Resolution No. R2016-040

- K. ID 16-1396 Consider approval of a resolution amending Resolution No. R2016-035 by adding additional alternate committee Members to the City Council Ethics Committee; and providing for an effective date.

Resolution No. R2016-037

- A. ID 16-1329 Consider approval of a resolution reviewing and adopting revisions to the Investment Policy regarding funds for the City of Denton; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Chuck Springer, Director of Finance, stated that State law required the City to annually adopt an investment fund. There were minor amendments to the current policy to be considered, one of which allowed for a change from 5% to 15% for commercial paper no greater from one institution at 5%.

Willie Hudspeth submitted a Speaker Card but did not speak on topic but rather on Item I that was changed.

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

Resolution No. 2016-038

- B. ID 16-1330 Consider approval of a resolution revising Administrative Policy No. 403.07 "Debt Service Management"; and providing for an effective date. The Audit/Finance Committee recommends approval (2-0).

Chuck Springer, Director of Finance, presented the background information on this issue. This was the second financial policy that was considered on an annual basis. The policy had been reviewed by the City's finance advisors and was considered at the Audit Finance Committee.

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

Ordinance No. 2016-333

- C. ID 16-1361 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Jimmy Tritt, owner of JT Clothier's, 200 W. Oak, from the Downtown Reinvestment Grant Program not to exceed \$20,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (9-0).

Julie Glover, Economic Development Program Administrator, reviewed the provisions of the proposed grant. The EDP Board and Downtown Task force recommended approval of a \$20,000 grant.

Speaker cards were submitted by the following:

Willie Hudspeth - questioned why these funds were only for the Downtown area and not for other parts of the city as it was not fair to only allow the funds for just the Downtown area.

Deb Armintor - opposed as the grant it was not needed for businesses in the Downtown area and should be for start-up businesses.

Council Member Hawkins motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Bagheri "nay". Motion carried with a 6-1 vote.

Resolution No. R2016-039

- G. ID 16-1375 Consider approval of a resolution of the City Council of the City of Denton nominating PACCAR INC. to the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("the Bank") as an Enterprise Project ("Project"); and providing an effective date.

Council Member Bagheri left with a conflict of interest.

Caroline Booth, Director of Economic Development, presented the details of the proposal. Council had already approved a resolution but this was for a concurrent designation as it exceeded the minimum of the program. The resolution would allow PACCAR to apply for a concurrent enterprise project designation from the State of Texas.

Willie Hudspeth submitted a Speaker Card and indicated that he would like to see this type of program Downtown in terms of minorities and veterans.

Council Member Gregory motioned, Council Member Hawkins seconded to approve the resolution. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Motion carried unanimously.

Council Member Bagheri returned to the meeting.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2016-340

- A. SI16-0001b Consider adoption of an ordinance of the City of Denton, Texas, on second reading, confirming and approving a Boundary Adjustment Agreement with the City of Corinth, Texas, adjusting a mutual boundary of the cities not exceeding 1,000 feet; providing for severability; and providing an effective date.

Ron Menguita, Long Range Planning Administrator, stated that this ordinance was the second reading confirming and approving a boundary adjustment along the southeast corner of the City. The purpose was to facilitate the extension of Lake Sharon Drive to connect to Highway 2499. He reviewed the schedule of events for the proposal and read the ordinance caption into the record.

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

Ordinance No. 2016-341

- B. ID 16-1380 Consider adoption of an ordinance establishing an Economic Development Program under Chapter 380 of the Local Government Code for making grants of public money to promote economic development and to stimulate business activity in the city of Denton; approving an economic development program grant agreement with Sally Beauty Supply LLC, setting forth the various conditions

precedent to Sally Beauty Supply LLC receiving the program grant; providing for a severability clause; and providing an effective date.

Council Member Briggs left the meeting with a conflict of interest.

Caroline Booth, Director of Economic Development, presented an update on the item. She reviewed the background of the investment made by Sally Beauty. The EDP Board was in favor of a 3 year, 50% rebate totaling \$72714 for the three year period. The provisions of the agreement and the key conditions of the agreement were reviewed.

Willie Hudspeth submitted a Speaker Card and suggested including the hiring of minorities in these types of agreements.

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

Council Member Briggs returned to the meeting.

Ordinance No. 2016-342

- C. ID 16-1381 Consider adoption of an ordinance of the City of Denton, Texas approving an amendment to an Economic Development Program Agreement dated April 7, 2015, between the City of Denton and West Gate Business Park (WGBP) Investments, Ltd.; and providing an effective date.

Caroline Booth, Director of Economic Development, presented the information on the West Gate Business Park. She noted the background on the project and reviewed the provisions of the Chapter 380 amendment.

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

Ordinance No. 2016-343

- D. ID 16-1382 Consider adoption of an ordinance authorizing the Mayor to execute a Tax Abatement Agreement with WGBP Investments, Ltd., setting forth all the required terms of the Tax Abatement Agreement in accordance with the terms of Chapter 312 of the Texas Tax Code; setting forth the various conditions precedent to WGBP Investments, Ltd., receiving the Tax Abatement; providing for a severability clause; and providing an effective date.

Caroline Booth, Director of Economic Development reviewed the information on the tax abatement agreement including the key points.

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

E. ID 16-1397 Consider appointments to a Charter Review Committee.

Council Member Bagheri appointed Prudence Sanchez.

Council Member Briggs appointed Herbert Holl.

Council Member Gregory appointed Jorge Urbina, Dr. Bob Bland, and Marty Rivers.

Mayor Watts appointed Ron Johnson

F. ID 16-1398 Appointment of alternates to the Council Ethics Committee.

City Attorney Burgess stated that the Committee membership had previously been amended making the Mayor the 1st alternate. The proposal would amend the Committee to allow for four additional alternate positions.

Council Member Gregory motioned, Council Member Bagheri seconded to appoint Council Member Hawkins as the second alternate, Council Member Gregory as the third alternate and Council Member Bagheri as the fourth alternate. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

G. ID 16-1402 Consider adoption of an ordinance of the City of Denton, Texas amending Section 18-38 of the Code of Ordinances relating to the use of wireless communication devices while driving to prohibit the use of wireless communication devices while operating a motor vehicle; providing a repealer clause; providing for a penalty not to exceed \$200 for violations of this ordinance; and providing for an effective date. Traffic Safety Commission recommends approval (5-0).

Lee Howell, Chief of Police, presented the background and overview of the proposal. The City already had a no texting ban while driving and this would increase to only allowing hands free devices. The intent was to prohibit hand held use and manipulation of the device.

Mayor Pro Tem Roden expressed concern on how to answer a phone without touching the phone and questioned if there was a way to solve that problem.

Howell stated that it was in the definition of how hands free devices were activated. The ordinance could only be enforced by observation of an officer or by admission of the driver. He could research further to allow for a broader definition on how to activate the device.

Council Member Wazny felt that the current proposed ordinance had items not as clear as they could be and that the ordinance needed a bit more work to make it clearer to the citizens regarding the specifics of the law. She suggested considering a postponement to a date certain of December

6th and ask Legal to provide an ordinance that clarified some of the issues the Council Members would like to see in the ordinance.

Council Member Hawkins stated that he was also struggling with some of the language and definitions.

Howell stated that there were various types of hazards other than just being on a phone call such as changing the radio, eating, etc.

Council Member Hawkins questioned if the effective date of the ordinance could be changed and if so, then the Council was ready to vote to give six months to a year to give people time to prepare for it.

Council Member Bagheri stated that the issue was distraction and not focusing on driving. She questioned what the police was looking for in terms of probable cause.

Howell stated that it was based on observation by the officer. Holding something in hand and manipulating it was the most dangerous activity. Hands free would eliminate that. The probable cause would be the observation of holding a device and manipulating it or talking on it.

Council Member Bagheri liked the idea of education. Perhaps having first time violators take a class or some other education component. The 18-24 age group was not the same demographics as other groups and she was concerned about an unbalanced effect on the law.

Council discussed various suggested changes to the ordinance in terms of definitions and whether the current regulations took care of the situation.

Speaker Cards were submitted by the following:

Gerard Hudspeth – opposed
Christa DeLucca - in favor
James Scafffer - in favor

Michael Hennen submitted a Comment Card in favor.

Council Member Wazny motioned, Mayor Pro Tem Roden seconded to postpone the item to a date certain of December 6, 2016. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Gregory "nay". Motion carried with a 6-1 vote.

Council returned to Item 5.C.

- C. ID 16-1381 Consider adoption of an ordinance of the City of Denton, Texas approving an amendment to an Economic Development Program Agreement dated April 7, 2015, between the City of Denton and West Gate Business Park (WGBP) Investments, Ltd.; and providing an effective date.

Council Member Gregory motioned, Council Member Hawkins seconded to reconsider Item 5.C. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Briggs "nay", and Council Member Bagheri "nay". Motion carried with a 5-2 vote.

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

6. 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 Gregory asked for a staff to research a possible city building to house the Community Bike Shop.

Mayor Watts suggested a work session on UNT's report on transportation plans for the University.

- 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 9:31 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS