

CITY OF DENTON CITY COUNCIL MINUTES

April 26, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 26, 2016 at 1:30 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

2. Work Session Reports

- A. ID 16-499 Receive a report, hold a discussion, and give staff direction regarding the City of Denton Strategic Plan and the performance management and open data components of the What Works Cities initiative.

Bryan Langley, Assistant City Manager, presented the details of the What Works Cities initiative that included the overview and purpose of the process. The Strategic Plan Timeline was reviewed and the Key focus areas and the associated goals were noted. Key Action Steps were noted along with the Strategic Plan Performance Measure results for 2014-15. Staff was not recommending any changes for goals or objectives but new strategic outcomes would be proposed to more closely relate to desired outcomes. New key action steps would be added related to these outcomes.

Council discussion noted that the Strategic Plan was also part of the budget discussion.

Kathryn Klosek, What Works Cities, presented information on What Works Cities Initiative. It was designed to accelerate cities' use of data and evidence to improve people's lives. She also provided support for performance and analytics and information on results of the program in other cities. The What Works Cities standards included commit, measure, take stock and act. The project details for Denton were reviewed.

Langley reviewed the progress to date in terms of open data available and performance management. He stated that to complement the Strategic Plan, staff was recommending the adoption of "Strategic Outcomes" to highlight clear direction in measurable and defined future outcome related goals. The recommended Strategic Outcomes for the Key Focus Areas were reviewed.

Council discussed whether changes could be made once the steps were developed; get a good cross section of citizen comments in the citizen survey for both positive and negative comments; how often to measure the progress of the outcomes; and look at software that was available for the public use of the city's data. They also discussed ways to present budget implications to strategic outcomes; consider organizational conversations to maximize efficiency; present information on how much the goals would cost on a yearly projection to get to the point of the outcomes; instances when a level might not be able to get any higher; and include a space study for long term needs to

include total operational costs for all current facilities and inefficiencies of employees moving from building to building for meetings.

Council also discussed that #3 outcome data for bike and pedestrian count had some possible inconsistencies that might need to be rechecked and consider future staff to assist with the analytics and data processing.

Langley reviewed the next steps in the process for Council consideration.

Council Member Briggs requested clarification on Consent Agenda Item 2E, the police lobby renovation.

Elton Brock, Procurement Manager, stated that the renovations included an upgrade to the glass and upgrades to make a more functional space for the employees to assist the public.

Mayor Watts requested another Work Session regarding Item 2C, Eagle Drive, on the design of the street and the improvements that were going to be made.

- B. ID 16-500 Receive a report and hold a discussion regarding results of the 2016 Denton Open Data Day.

Patrick McLeod presented information on the Open Data Day 2016. Open access and open data were very important to the technological community. He reviewed the goals of Open Data Day and the city government benefits. The proposed next steps included customize dashboard metrics, hold TechMill workshops, and submit grant applications for potential funding for future projects. Workflow for monthly data releases steps were noted. More data information might include water usage, power usage, Plus One Assistance and law enforcement violations. Proposed next steps were reviewed that included monthly work flows for data releases, gathering data from other Denton County municipalities, evaluate blight and service impacts.

Council discussion included the possible use of data to encourage development of needed resources in various areas of the city; neighborhood data for electric usage; help fund the tech community with tools to assist with the redesign of the city website for what information the community might want on the website and in what form on the website; and consider a citizen committee to formalize recommendations from the Open Data Day.

- C. ID 16-514 Receive a report, hold a discussion, and give staff direction concerning the upcoming 2016 mosquito season.

Kenny Banks, Environmental Services and Sustainability Director, presented background information on the City's Surveillance and Response Plan. He reviewed the various Risk Levels of the plan, the determinations of setting spray triggers, monitoring procedures, controls for mosquito larva; public information procedures; 2015 summary; and emerging diseases.

Council discussion included the policies in place for abandoned swimming pools and what to do with citizen concerns about stagnant water.

- D. ID 16-543 Receive a report, hold a discussion, and give staff direction regarding Denton Parks Foundation projects including the Eureka Playground replacement.

Mark Culp, President of the Parks Foundation, presented an update on the Eureka Playground replacement and the Foundation projects. The Foundation was asking Council's approval for extending their contract and increasing the funding for the Foundation's Executive Director position. He reviewed the scholarship program the Foundation administered for needy summer students, the capital projects they supported such as shade structures at the pools and the renovation of the Eureka Playground. He presented the details of their proposal for the extension of the contract and the increased funding. The proposal was to increase the commitment for another three years on a yearly basis and increase to the support \$77,000. It also included \$15,000 for administrative support to the Executive Director.

Council requested information on the request in terms of return on investment for council consideration.

- E. ID 16-544 Receive a report, hold a discussion, and give staff direction regarding the Parks and Recreation Department's annual report.

Emerson Vorel, Director of Parks and Recreation, presented the Parks and Recreation annual update. Projects completed included Eureka 2; Civic Center pool renovation; golf driving range renovation; Fred Moore Park updates; South Lakes Park tree planting; North Lakes Park tree planting; Quakertown Park rehabilitation after Arts & Jazzfest 2015; Lake Forest Dam repairs; programming for tournaments; therapeutic recreation re-establishment; and establishment of an Assistant Director position. Upcoming projects included a wave pool at Waterworks Park; a Splash Park to be established in the Carl G. Young Sr. Park; Lake Forest & Milam Park donation projects; maintenance at the cemeteries; trail connectivity near Evers Elementary School; North Lakes Dog Park; and Fred Moore Park Restroom. CDBG funded projects included Fred Moore Park Athletic space, Quakertown Park restrooms and Londonderry playground. A downtown pocket park was recommended for the future. CIP Public Art funding was proposed for a Firefighter's Memorial Bell. Challenges ahead included the homeless in the parks; additional indoor recreation centers; and summer staffing.

- F. ID 16-580 Receive a report, hold a discussion, and give staff direction regarding a professional services agreement related to collection of delinquent taxes on behalf of the City of Denton.

Bryan Langley, Assistant City Manager, presented an overview of the proposal process and staff recommendation. The provisions of the current contract; RFQ key aspects; the proposals that were received; evaluation criteria; evaluation panel; and staff recommendation were presented. Staff was recommending the firm of Sawko and Burroughs. Staff needed direction from Council on which firm to award the contract to.

Council discussion included doing this process in-house instead of having a firm provide the service; consideration of a local presence should be considered for the firm associated with the Tax Office with four employees there; comparison rate for collection rate was just for the city of Denton and Denton County; one firm was collecting for Denton County and one for the DISD

which was similar; and why was Council digging into the weeds on this contract rather than having it listed on the Consent Agenda.

City Manager Campbell stated that an Informal Staff Report had been sent to Council regarding the contract and two or three members indicated that they wanted to discuss it in a Work Session first.

Council Member Roden questioned which members wanted to discuss the contract.

Mayor Watts indicated that he was one who wanted to discuss the contract in terms of the 20% charge for delinquent taxes. He was curious about the amount as 20% was the maximum allowed by State law and at the time of his request, he had not seen the actual proposals. He questioned the collection rates at the city level if the amount was dropped by 5% in terms of what the monetary value would that be.

Council Member Johnson noted that one firm did not provide collection information and questioned why.

Langley stated that they were not able to provide the information out of their system.

Council Member Johnson questioned if past performance was overall based on other municipalities.

Langley stated that each firm was able to provide collection data but it would be difficult to compare due to demographics and differences in types of accounts.

Council Member Johnson stated that this was the third time in the last several months Council was involved in contracts when a non-awarded entity complained. He was uncomfortable with Council second guessing staff recommendations after review. Council should be more involved in the process such as changing the process or criteria but not always second guessing the situation.

Mayor Watts did not agree with that analysis. This was a recommendation from staff and not a protest from a non-awarded firm.

Mayor Pro Tem Gregory asked if all of the firms proposed the 20%.

Langley replied correct.

Mayor Pro Tem Gregory asked if Council had given direction for points to be awarded if a firm charged less.

Langley replied no.

Mayor Pro Tem Gregory asked if there was interest on Council to put the contract out for rebid and give points for a proposal less than 20%.

Langley stated that the firms were trying to collect as much revenue as possible and if the percentage was reduced, it would reduce the amount of collections done. These were professional

services and State law did not allow an award based on price. A contract could not be awarded based primarily on a lower price.

Mayor Pro Tem Gregory asked if Langley knew of any tax collection firms that did not charge the full 20%.

Langley stated that he was not aware of anyone who charged less.

Mayor Pro Tem Gregory stated that the 20% was to recover the cost incurred by the law firm to do the work they needed to do to collect the taxes.

Langley replied correct.

Council Member Roden stated that the impression was that the demographics of the people who required these collection services were in a lower income classification and therefore could not pay.

Council Member Johnson stated that these firms were trying to collect money owed and not trying to reduce the service fee for the money owed.

Council Member Wazny stated that she would like to see other firms that collected less than the 20%.

Council Member Roden stated that none of the respondents were less than 20% and he was comfortable with the staff recommendation. His recommendation was to proceed with the staff recommendation.

Council Member Johnson stated that he would agree if Council wanted to modify the criteria or the process moving forward but not change after the process was completed. He was comfortable with the staff decision. If Council did not like the evaluation process then revisit it with the next round.

Council Member Briggs stated that she was also one of the members who asked for more details on the process.

Langley stated that the process was that a fee was paid once the collection was made. A number of accounts were standard by sending letters or some might go to auction proceedings. Residential accounts were different from business accounts.

Council Member Hawkins stated that his concern was about the process and a better explanation of how it was done.

Mayor Watts asked for the term of contract.

Langley stated that it was a five year term.

Mayor Pro Tem Gregory stated that he was in agreement with the staff recommendation.

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 16-547 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding a proposed amendment to an economic development Tax Abatement agreement between the City of Denton and Peterbilt Motors Company. This discussion shall include commercial and financial information the City Council has received from Peterbilt Motors Company, a business which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; deliberate the economic development Tax Abatement agreement between the City of Denton and Peterbilt Motors Company.

- B. ID 16-579 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property located at 301 E. McKinney, Denton, Texas where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition 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. [Denton County Courthouse Annex property tract(s) - no action item]

Special Called 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. CONSENT AGENDA

Mayor Pro Tem Gregory motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye",

Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-127

- A. ID 16-293 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for bank depository services for the City of Denton and providing an effective date (RFP 5962-awarded to Wells Fargo Bank N.A. in the five (5) year not-to-exceed amount of \$1,200,000). The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-128

- B. ID 16-513 Consider adoption of an ordinance authorizing the City Manager to execute a "Further Extension to Amendment No. 1" to the "Memorandum of Understanding - The Environment," by and between the City of Denton, Texas and the University of North Texas which provides for the further extension of the terms of said agreement until September 30, 2021; providing for the expenditure of funds therefor; providing an effective date. The Memorandum of Understanding establishes conditions for conducting small, short term research projects between the City of Denton and the University of North Texas.

Ordinance No. 2016-129

- C. ID 16-535 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the City of Denton Eagle Drive Reconstruction project; providing for the expenditure of funds therefor; and providing an effective date (Bid 6057-awarded to the lowest responsible bidder meeting specification, Jagoe-Public Company in the amount of \$2,089,550.42).

Ordinance No. 2016-130

- D. ID 16-537 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Website Redevelopment Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6001-awarded to Imaginuity Interactive, Inc. in the three (3) year not-to-exceed amount of \$250,080).

Ordinance No. 2016-131

- E. ID 16-553 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the City of Denton Police Department Lobby Renovation located at 601 East Hickory Street; providing for the expenditure of funds therefor; and providing an effective date (RFP 6010-awarded to Beach Construction, Inc. in the amount of \$333,297.57).

Ordinance No. 2016-132

- F. ID 16-554 Consider adoption of an ordinance authorizing the City Manager to execute Change Order Number Four to the contract between the City of Denton and Schmoldt Construction, Inc. for the construction of Fire Station #2; providing for the expenditure of funds therefor; and providing an effective date (RFP 5545-Change

Order Number Four in the amount of \$67,417.94 for a total contract amount not-to-exceed \$4,679,834.92).

3. PUBLIC HEARINGS

- A. ID 16-515 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting roadway impact fees per service unit; establishing procedures for the assessment, collection, computation, expenditure, refund and general administration of roadway impact fees; providing for the establishment of accounts for roadway impact fees; providing construction, severability, and conflict clauses; and providing for an effective date.

The Mayor opened the public hearing.

PS Arora, Wastewater Division Manager, presented the details regarding the proposal. He reviewed the 10 year growth units table, sample calculations for Service Area D, impact fee CIP summary, and the Mobility Committee recommendation. The Denton County Developers Alliance reviewed the recommendation and provided a recommendation to provide incentives to the infill area. The Capital Improvement Advisory Committee recommendation was reviewed along with their additional recommendations.

Council discussion included providing individual categories with the multipliers, comments regarding not enough information to make a decision at this meeting due to possible unintended consequences on development and a consideration to postpone consideration until there was enough information on any unintended consequences.

Mayor Pro Tem Gregory suggested postponing consideration to an event certain for a comparison of current costs with proposed costs.

Mayor Watts indicated that speakers at this meeting would not be able to speak at the next public hearing.

Lee Allison spoke in favor of the road impact fees but not necessarily the ordinance as written.

Bob Shelton commented on the implementation of the provisions.

Council Member Johnson motioned, Mayor Pro Tem Gregory seconded to postpone the item to the June 21st Council meeting. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

4. CONCLUDING ITEMS

Council Member Hawkins requested an Informal Staff Report regarding the change in local service provider for Internet service and how to inform citizens on who to contact with any problems.

Mayor Watts requested a Work Session regarding a proposal to partner with the United Way and the Veterans Administration for their request for office space.

With no further business, the meeting was adjourned at 7:10 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS