

CITY OF DENTON CITY COUNCIL MINUTES

October 11, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 11, 2016 at 1:00 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

Speaker Cards were submitted by:

Willie Hudspeth – Consent Agenda Item A - Opposed to alcohol at the event; Item B - no objection to this item and Item C - should be discussed further.

Deborah Armintor – Consent Agenda Item C - spoke on the grounds for recusal and the process for selection of an alternate.

2. Requests for clarification of agenda items listed on the agenda for October 11, 2016.

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

Council Member Gregory – Consent Agenda Item 1B.

Council Member Wazny – Individual Consideration Item 2C.

3. Work Session Reports

A. ID 16-1159 Receive a report, hold a discussion, and give staff direction regarding the Downtown Reinvestment Grant Fund.

Caroline Booth, Director of Economic Development, presented the information on the Downtown Reinvestment Grant Fund. Her discussion objective was to review the background of the program and present EDP Board and Downtown Task Force information. She presented information on the purpose of the program. Fiscal information on the grant program was reviewed. The recommendation by staff was to continue the grant program for capital improvements only; continue to grant within the current program area, but expand the geographic scope to add commercial properties in other targeted redevelopment areas; and rename the program to Small Business Improvement Grant Program. The history of the Downtown Task Force and concerns expressed by the Task Force at its August 11th meeting were presented. The Task Force supported continuation of the program with no changes. The EDP Board recommendations were reviewed.

Mayor Pro Tem Roden stated he was in favor of maintaining the program and include other areas of the City for funding. He questioned what would be the goals for those areas outside of the Downtown area as there already was a clear goal in the Downtown area. He suggested that as other areas were looked, each one have a separate set of goals or have a different fund for other areas with a different set of individuals to oversee the program.

Council Member Hawkins felt that if there were different areas, the EDP Board should provide Council with suggestions and mechanisms to fund. Staff should continue to encourage infill in the Downtown area.

Mayor Pro Tem Gregory presented the goals of the original program and questioned if those goals had all been met. He felt that the goals were still viable and that they hadn't been all accomplished. He was not in favor of diluting the funds for Downtown as not all goals had been met.

Council Member Wazny suggested using small area plan models for locations outside the Downtown areas for additional funding programs.

Council discussion included not supporting the full amount of program coming out of the General Fund; how to expand the program beyond the Downtown area; consider funding mechanisms and limitations on the locations eligible for the funding.

Consensus was that the Council was comfortable with continuing to support the Downtown with the funding. In the meantime, keep as budgeted this year and have the TIF Board meet and make a recommendation to Council as to what portion to send to the Downtown program. Other areas of the City would also be discussed. A suggestion was to invite businesses at different locations to start an initiative to work together plus work with Planning on a small area plan. The funds in the Fund Balance would be used first with those funds no longer frozen. Council was also not in favor of changing the name of the program.

- B. ID 16-1208 Receive a report, hold a discussion, and give direction to staff and Waters & Company on the City Auditor recruitment process.

Mayor Watts indicated that Items B and C would be considered at the same time.

Carla Romine, Director of Human Resources, stated that staff was seeking approval for the brochure and job description; and a tentative timeline. Item C was a review of the process for interviewing candidates.

Chuck Rohre, Waters and Company, provided a description for the city auditor position and experience requirements in comparison to the quality of individual desired. He suggested 10 years auditing experience with a BS degree; five years with a Masters. His firm had also prepared the marketing piece to describe to the candidates the community role and duties, municipal organization, compensation parameters and how to apply.

Council Member Wazny felt it was important to emphasize this was an independent internal auditor. In terms of job functions, the position would be responsible to the Council first rather than going through staff before coming to Council. She suggested taking out the Audit Finance Committee receiving reports first but rather go to Council then to Audit Finance if needed.

Council continued to discuss the process of the reporting structure, the need to add to the job description that the individual have a track record of waste prevention, fraud prevention and transparency; that part of the job function would be to review city contracts; and that results of reports would be provided to the Council and the City Manager.

Regarding Item C, the City Manager interview process, Rohre stated that the firm was providing a group of candidates for Council to select semi-finalists and then finalists. A process was needed to interview, evaluate and assess those individuals. Most Councils interviewed the candidates for 1-1/2 hours with standardized questions and then discussed the responses. There were various options for this type of feedback.

Consensus was a community meeting for the finalists with a two day interview process for the finalists.

- C. ID 16-1257 Receive a report, hold a discussion, and give direction to staff and Waters & Company on the City Manager interview process.

This item was considered with Item B.

- D. ID 16-1325 Receive a report, hold a discussion and provide Staff direction regarding the establishment of a Charter Review Committee.

Aaron Leal, Assistant City Attorney, presented information on the proposed charges. Those included creating six single member council districts and 1 at-large mayor district; replacing the current 3 consecutive two year terms, amending the current one-year district residency eligibility requirement; and increasing the percentage signature requirement for recall petitions.

Council discussed the at-large versus single member district representation; the need for diverse geographical representation throughout the city; and the only way to ensure geographical representation was from district representation. Consensus was to limit single member to the corresponding district and at-large from the whole city.

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

1. Closed Meeting:

- A. ID 16-1181 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

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 the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- B. ID 16-979 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to

acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.

C. ID 16-1136 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled, Esker v. City of Denton, Cause No. 14-000942-158, currently pending in the 158th District Court of Denton County, Texas.

Special Called Meeting of the City of Denton City Council at 4:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton.

1. CONSENT AGENDA

Mayor Pro Tem Roden motioned, Council Member Hawkins seconded to approve the Consent Agenda and accompanying ordinances and resolutions including the substitute resolution noted earlier. 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. 2016-034

A. ID 16-1286 Consider approval of a resolution allowing Wine Squared to be the sole vendor allowed to sell alcoholic beverages at the Denton Day of the Dead Festival, on October 29, 2016, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Approved the noise exception listed below.

B. ID 16-1292 Consider a request for an exception to the Noise Ordinance for the purpose of the Denton Day of the Dead Festival, to be held in the Williams Trade Square parking lot and on Industrial and E. Hickory Streets, October 29, 2016, from 11 a.m. to 9 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

Resolution No. R2016-035

C. ID 16-1328 Consider approval of a resolution amending Resolution No. R2009-015 by adding an alternate committee member to the City Council Ethics Committee; and providing for an effective date.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. R2016-036

A. ID 16-1304 Consider approval of a resolution creating a Charter Review Committee to consider and advise the City Council whether and in what manner to revise various provisions of the City Charter; and providing an effective date.

Council Member Bagheri motioned, Council Member Hawkins seconded to approve the resolution.

Council Member Wazny stated that she would vote in favor of the resolution but had objections to district council members being restricted to only their districts for appointments.

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.

B. ID 16-1326 Consider appointments to a Charter Review Committee.

Council Member Hawkins appointed Phil Gallivan and Sheryl English.

C. ID 16-1327 Appointment of an alternate to the Council Ethics Committee.

City Attorney Burgess noted that the Mayor would be appointed as an alternate to the Committee pending Council approval.

Council Member Gregory stated that an alternate was needed due to a pending meeting of the Committee and a recusal of a member of the Committee.

City Attorney Burgess replied correct that with the issue of a recusal of a member, an alternate was needed.

Council Member Gregory motioned, Council Member Wazny seconded to appoint Mayor Watts as an alternate to the Council Ethics Committee. 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.

3. PUBLIC HEARINGS

Ordinance No. 2016-311

A. Z16-0013b Hold a public hearing and consider approval of a request to amend the Rayzor Ranch Overlay District to reclassify approximately ten acres from the South Mixed-Use District subarea to the South RR-2 District subarea. The Rayzor Ranch Overlay District includes approximately 410 acres generally located on both sides of West University Drive (US 380) between North Bonnie Brae Street and IH-35. The Planning and Zoning Commission recommends approval (7-0).

Mike Bell, Senior Planner, presented the details of the proposal which was to amend two exhibits to the overlay. The change would allow 10 acres from the South Mixed-Use District subarea to be reclassified to the South RR-2 District subarea. No multi-family or single family would be allowed, only commercial. He presented information on public notification. Staff and the Planning and Zoning Commission recommended approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Gregory 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. 2017-312

- B. Z16-0022b Hold a public hearing and consider an amendment to the Rayzor Ranch Overlay District to provide design standards and criteria for multi-family development within the South Mixed Use District subarea. The Rayzor Ranch Overlay District includes approximately 410 acres generally located along West University Drive (US 380) between North Bonnie Brae Street and IH-35. The Planning and Zoning Commission recommends approval (7-0).

The Mayor opened the public hearing.

Mike Bell, Senior Planner, stated that the ordinance would provide for multifamily design standards for the South Mixed Use District subarea which was just approved. He reviewed the public notification The Planning and Zoning Commission and staff recommended approval.

No one spoke during the public hearing.

The Mayor closed public hearing.

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", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

4. 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 Wazny requested a review of single resident occupancy standards (SRO).

Council Member Wazny requested a Work Session on a possible moratorium on SROs until Council decided if a separate classification for SROs was needed.

Mayor Pro Tem Roden requested a discussion regarding multifamily housing and how it related to the Comprehensive Plan.

Council Member Bagheri requested a Work Session on sick/vacation to use it or lose it, comparing what Denton did with other local governments.

Council Member Bagheri requested a review of the City's regulations concerning exotic animal displays and perhaps zoos.

Council Member Gregory requested including in the SRO discussion possible amendments/special districts for tiny houses.

Mayor Watts requested a discussion on the policy for severance packages for at-will employees.

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 6:37 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS