

CITY OF DENTON CITY COUNCIL MINUTES

August 14, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 14, 2018 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, and Council Member Meltzer.

ABSENT: Mayor Watts.

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 August 14, 2018.

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

Council Member Briggs - Consent Agenda Item A and C
Council Member Hudspeth – Consent Agenda Item C
Mayor Pro Tem Ryan - pull Consent Agenda Item E for clarification

3. Work Session Reports

- A. ID 18-1125 Receive a report, hold a discussion and give staff direction regarding the implementation of standard construction specifications and contract documentation for construction of all City of Denton capital projects and public infrastructure.

Todd Estes, City Engineer, presented the staff report for the standard construction specifications preparation. He presented the background information on the purpose of construction specifications; contract documents required to construct projects; components of a construction specification; and the impact of existing specifications.

Council discussed whether the various information for different specifications was digital or paper and examples of the different types.

Estes continued with what needed to be done to create standard construction documents; funding recommendations for the project; and timeline to completion.

Council discussed:

- The need for the project
- The cost for the consultant
- Alternatives for the consultant such as hiring an individual to do this work

Consensus of the Council was to move forward with the process suggested by staff.

- B. ID 18-1221 Receive a report, hold a discussion, and give staff direction regarding the FY 2018-19 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Tony Puente, Director of Finance, presented the update on the proposed budget. He noted budget changes in terms of additions and those items contingent on year-end financial performance, updated financial forecast, property tax values versus collection, history of market value, the Downtown TIRZ fund, Tree Mitigation fund and next steps.

- C. ID 18-1283 Receive a report from staff, hold a discussion, and give staff direction regarding the design and construction of the new North Lakes Dog Park.

Laura Behrens, Assistant Director of Parks and Recreation, presented the staff report for the design and construction of a new dog park. She noted the project goals; aspect/orientation of the proposed project; overall objective of the park; pedestrian access; design elements; and budget projections.

Council discussed considering remaining in the current funding rather than the proposed budget and using a phased approach in order to get the park started as the need was there for it.

Behrens continued with the project timeline.

Council discussed:

- What a scaled down version would look like in terms of cost
- Consider naming rights on parts of the park such as the pavilion
- Look at the differences between the two parks so as to not have all the amenities at the new park
- Explanation on how the original funding amount was determined
- Restrictions on where the funding could be used from the development fees

Consensus of the Council was to present follow up information after the public meetings with additional options for the proposal.

- D. ID 18-1327 Receive a report, hold a discussion, and give staff direction regarding Quiet Zones along at-grade railroad crossings within the City of Denton.

Pritam Deshmukh, Traffic Engineer, presented information on the quiet zones. He noted the number and location of each zone; the definition of quiet zones; supplemental safety measures; UPRR crossings that were currently funded in the Downtown area, the northern segment and the southern segment plus the KCS crossings; and the quiet zone process to achieve the crossings.

- E. ID 18-1202 Receive a report, hold a discussion, and give staff direction on the composition of the Oak Gateway Area Plan Steering Committee due to recent resignations and quorum issues.

Ron Menguita, Principal Planner, requested staff direction on the Oak Gateway Steering Committee in terms of composition of the Committee due to recent resignations and quorum issues. He noted the makeup of the committee, members who had indicated they could no longer serve and options for membership.

Council discussed whether to maintain the membership as is or fill the vacancies.

Patrice Lyke, Committee Chair, noted the committee makeup and indicated that she was more in favor of appointing members to fill the current vacancies.

Council considered designating some of the seats as standing seats instead of designating specific individuals to the committee.

Consensus of the Council was to replace all vacant seats and bring the item back to Council for approval with the standing seats.

- F. ID 18-1261 Receive a report, hold a discussion, and give staff direction regarding the Human Rights Campaign (HRC) Municipal Equality Index (MEI), the City of Denton's MEI score, and options for consideration to increase MEI score.

Sarah Kuechler, Director of Public Affairs, presented the information on the Municipal Equality Index. She noted what the Human Rights Campaign was, what the Municipal Equality Index was, how cities were selected for the Index, standards for rating of the index for cities; and scores for the city of Denton from 2017-2018. Information was also presented in terms of the sections of the Index ratings for non-discrimination laws; municipality as an employer; municipal services; law enforcement; and leadership on LGBTQ equality.

Council discussed:

- Whether the Parks and Recreation Department had a bullying policy in conjunction with its programs
- Whether staff should proceed with all of the items that were not related to ordinances and return with ordinances at a future date
- Provide a list of what items would be the easiest to implement as a starting point.

Consensus of the Council was to proceed with a youth bullying policy; check on regulations for health department on restrooms; and the inclusive work place. Also staff should look at other cities to see what they have done.

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

1. Closed Meeting:

- A. ID 18-1259 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.

Receive a presentation from staff regarding public power competitive and financial matters about power purchase agreements under development as a result of the City's participation in the New Braunfels Utilities' Request for Proposal for the purchase of solar-generated electric power ("NBU RFP"); discuss and deliberate strategies, opportunities and agreements for the City to potentially purchase solar-generated electric power as a result of the City's participation in the NBU RFP. 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.

Following the completion of the Closed Meeting, the Council convened in a Special Called Meeting.

1. CONSENT AGENDA

Council Member Hudspeth motioned, Council Member Meltzer seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item E which was pulled for separate consideration. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance No. 18-1203

- A. ID 18-1203 Consider adoption of an ordinance of the City of Denton approving revisions to the pilot bicycle share permit program to extend the term thereof; confirming the rules and regulations for the pilot bicycle program and the provisions for enforcement thereof; establishing a fee schedule for the permit program; providing a penalty clause; providing a severability clause; and declaring an effective date.

Ordinance No. 18-1248

- B. ID 18-1248 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an agreement with Texas Department of Transportation ("TXDOT") for the furnishing and installation of traffic signal equipment at the intersection(s) of FM 2181 at Wind River, FM 2181 at Ryan, FM 2181 at Robinson, FM 2181 at Wheeler Ridge, FM 2181 at Hickory Creek, FM 2181 at Montecito, FM 2181 at Old Alton, FM 2181 at Sundown, and FM 2181 at Cedar Creek; authorizing the expenditure of funds thereof; and providing an effective date.

Ordinance No. 18-1249

- C. ID 18-1249 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the southwest side of Hanover Drive from Windsor Drive to Croydon Street during school hours; providing a repealer clause, providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance, providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date. The Traffic Safety Commission recommends Option 1 (5-0).

Ordinance No. 18-1277

- D. ID 18-1277 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through National Joint Powers Alliance Cooperative Purchasing Network Contract # 032515 for the purchase of a Caterpillar Inc. Model 836K refuse compactor for the City of Denton Solid Waste Department; authorizing the

expenditure of funds therefor; and declaring an effective date (File 6869- awarded to B.D. Holt CO. dba Holt Texas, Ltd., in the not-to-exceed amount of \$1,031,787.07).

Ordinance No. 18-1312

F. ID 18-1312 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 521-16 for the acquisition of six (6) Peterbilt refuse collection trucks Model 520 for the City of Denton Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 6866- awarded to Rush Truck Centers of Texas, L.P. in the amount of \$1,826,172).

Item E was considered.

Ordinance No. 18-1347

E. ID 18-1347 Consider adoption of an ordinance of the City of Denton, Texas approving a City sponsorship in an amount not to exceed \$1,000 of in-kind services and resources for the North Texas State Fair Association's (NTFA) North Texas Fair & Rodeo to be held between the dates of Friday, August 17, 2018 to Sunday, August 25, 2018; and providing an effective date.

Assistant City Manager Canizares presented the changes in the revised ordinance from the ordinance submitted in the agenda backup.

Council discussed doing in-kind services for organizations which made money last year and not doing it for neighborhood organizations who wanted a block party.

Council Member Hudspeth 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", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-1252

A. ID 18-1252 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute an Advance Funding Agreement (AFA) in the amount of \$6,864,979.98, by and between the State of Texas, acting through the Texas Department of Transportation (the "State") and the City of Denton (the "City"), regarding water and wastewater improvements associated with the US 377 (Ft Worth Drive) roadway widening project. The City will make two incremental payments to the State. The first payment will be upon full execution of the AFA and will be in the amount of \$3,864,979.98. The second payment will be in the amount of \$3,000,000.00 after receiving additional RTR funds from NCTCOG in the amount of \$3,000,000.00.

Chad Allen, Deputy City Engineer, presented the staff information on the funding agreement. He noted the project overview in terms of the city scope of work; parameters of the advance funding agreement; TxDOT bid results; and staff recommendation.

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

3. PUBLIC HEARINGS

Note – Council considered this item at 6:30 p.m. due to the time posted in the public notice.

- A. ID 18-1295 Hold a public hearing on a proposal to adopt a tax rate of \$0.620477 with a maximum allowable rate of \$0.637856 per \$100 valuation, which will not exceed the lower of the effective or rollback tax rate.

Tony Puente, Director of Finance, presented staff information on the public hearing for the proposed tax rate. He noted the property values and tax rate including the proposed tax rate, effective tax rate, rollback tax rate, maximum tax rate plus the certified taxable value. He reviewed the General Fund Revenue proposed budget and proposed General Fund expenditures by category and the Capital Improvement funding requests funded in FY 2017-18, Phase 1. Next steps in the process were reviewed.

The Mayor Pro Tem opened the public hearing.

No one spoke during the public hearing.

The Mayor Pro Tem closed the public hearing.

No action was needed on this item at this time.

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 Briggs requested a discussion on the parks fee ordinance.

Council Member Hudspeth requested information on making Frame Street behind the Police Department a dead end without affecting the neighbors in the area.

Council Member Armintor requested a staff report on the in-house designer to help with a design committee on shelter solutions and transitional options for housing for the homeless.

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 6:45 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS