

CITY OF DENTON CITY COUNCIL MINUTES

August 8, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 8, 2017 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Briggs and Council Member Gregory.

1. Work Session Reports

- A. ID 17-977 Receive a report; hold a discussion, and give staff direction regarding the FY 2017-18 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Chuck Springer, Director of Finance, presented a budget follow-up from the Council's prior meeting. Staff had responded to Council's questions regarding sidewalk replacement and other line item questions. He reviewed the current General Fund projection, the Homestead exemption, and conditions to raise the Homestead exemption.

Mike Penaluna, Emergency Management Program Manager, presented information concerning the City's outdoor warning system in terms of current and proposed locations. Three new locations were proposed for the next fiscal year and seven locations in future years.

Council discussed the sirens on UNT and whether there was an interlocal agreement for those.

Springer presented information on General Fund Supplemental Requests that were not funded.

Council discussed whether to include the explosive magazine/security item and early warning sirens in the budget. Consensus was to include those two in the budget.

Council discussed cash funding rather than long term debt for vehicles; possibly not lowering the tax rate and using additional funding for police vehicles.

- B. ID 17-1043 Receive information and updates and hold a discussion on the Texas Open Meetings Act and associated relevant law.

Jennifer DeCurtis, Deputy City Attorney, presented information concerning the Texas Open Meetings Act (TOMA). She reviewed information on the notice requirements for public meetings and the triggering of the posting of the notice; basic information on what could and could not be discussed in Open Session; regulations of Executive Sessions; and definition of Walking Quorum. She continued with online message boards, relevant parts of the Public Information Act; provisions involving Social Media; and penalty provisions of TOMA. Citizen reports and whether Council could discuss those reports with citizens was reviewed. She noted that Council could not deliberate or take action on citizen reports but could ask questions.

Council discussed reviewing the Council's procedures in terms of singling out one member and whether that was a violation of free speech. It was noted that Council was able to place reasonable restrictions on citizen involvement.

- C. ID 17-1046 Receive a report and hold a discussion regarding an update from the Capital Projects department on the status of key projects and overall program update.

Galen Gillum, Capital Projects Manager, presented a capital projects update. He reviewed the need for capital projects. He provided details on the specific projects of Bell Avenue north through TWU campus; Bonnie Brae; Hickory Street; McKinney Street sidewalk project; Bell Avenue sidewalk; and Mayhill Road Widening. He noted bond program updates in street segments and presented information on how to get more streets done. Recently completed projects and projects in progress were also reviewed along with a review of capital projects methodology and next steps in the process.

- D. ID 17-1073 Receive a report, hold a discussion, and give staff direction regarding the use and potential disposal of real property tracts owned by the City of Denton

Amy Parish, Senior Real Estate Analyst, presented information concerning prospective surplus city owned property tracts in terms of those available now and those available in the future.

Council discussed the first five tracts that were ready to be disposed of and how to set market value.

Consensus of the Council was to move forward with the first group of five to dispose of and have staff develop an Informal Staff Report on the step by step process on the procedure.

Parish continued with the remaining parcels indicating location and current use.

Council discussed holding back the 2910 University site for a possible fire station use.

2. 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 did not have any Concluding Items.

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 17-913 Consultation with Attorneys - Under Texas Government Code, Section 551.071 Consult, discuss and deliberate with, and provide direction to, the City's attorneys regarding legal issues associated with the current and future unfunded liabilities of the Denton Firemen's Relief and Retirement Fund, including but not limited to, a potential solution addressing future unfunded liabilities, where a public discussion associated with these legal matters would clearly 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."

B. ID 17-988 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2017-2018 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2017-2018, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

This item was not discussed.

C. ID 17-1085 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of a certain 18.969 acre tract out of the David Hough Survey, Abstract No. 646, in Denton County, Texas, and generally located in the 2600 block of South Mayhill Road, Denton, Texas, including as it relates to the widening and realignment of Mayhill Road. Consultation with the City's attorneys on the status, strategy, and potential resolution of litigation styled City of Denton, Texas v. Robert P. Donnelly, Cause No. 17-5939-158, currently pending in the 158th District Court of Denton County, Texas, 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 litigation. (Option to acquire 18.969 acre Donnelly remainder tract - Ordinance 1997-276 & Ordinance 1997-292)

With no further business, the Council went back into Open Session and adjourned at 5:50 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS