

CITY OF DENTON CITY COUNCIL MINUTES

March 27, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 27, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

2. Work Session Reports

A. ID 18-385 Receive a report and hold discussion regarding signal timing at intersections with red light cameras within the City.

Pritam Deshmukh, Traffic Engineer, presented the staff report regarding the traffic signal timing in terms of terminology, signal cycle, yellow change interval, and the pros and cons of increasing the yellow change interval.

Council discussed:

- Perception of what the yellow light meant to drivers
- Effect on the change in yellow timing with cross walk signals
- Whether the yellow timing was changed when the red light cameras were installed

Deputy Chief Fletcher presented the location of the current red light cameras. He reviewed the background on the placement of the cameras throughout the City and associated State regulations. He continued with the number of red light camera violations and the number of accidents at the red light camera intersections.

Council discussion included:

- Considering a pilot program with a longer yellow to determine the efficiency of such a change
- Recent studies associated with driving habits

Consensus of the Council was to proceed with a pilot program at an intersection for data purposes. Time for the program would be for 30 days with the intersection of Oak and Carroll for the pilot location.

B. ID 18-476 Receive a report, hold a discussion, and give staff direction regarding the reallocation of project bond funds and other funds in conjunction with the City's capital improvement program.

Tony Puente, Director of Finance, presented the staff report regarding the reallocation of project bond funds and other funds in conjunction with the City's capital improvement program. Discussion had been held with the Capital Bond Oversight Committee and the Public Utilities

Board. His presentation included the status of all GO funded projects, recommendations of the 2014 Bond Oversight Committee and staff recommendation to fully fund projects. The status of all GO funded projects included the 2005, 2012, and 2014 bond program projects.

Council discussed:

- These were voter approved bonds and the duty to follow the information presented relative to the bonds
- More detailed information was needed from the Oversight Committee in terms of membership, schedule of meetings, minutes
- Consider updating the resolution establishing the Oversight Committee to include the number of meetings and aspects of various projects
- Funding allocations for shortfalls and consider using the Fund Balance to pay for the projects
- Include in future presentations options for cutting the shortfalls and a time line for accomplishing the noted projects
- Consider revisiting the drainage fee and associated philosophy for usage of the funds

Puente continued with the various aspects of the Vela project presented in terms of funding, details of the project and time line for phases of the project.

Mayor Watts suggested a standalone discussion regarding the Vela Soccer complex.

Consensus of Council was to schedule the discussion of the project at an upcoming meeting.

Puente continued with action items for Council's consideration. It was noted that the items would be forwarded to the Audit Finance Committee for discussion on April 10th and then return to Council on April 17th.

- C. ID 18-477 Receive a report, hold a discussion, and give staff direction regarding a proposed rate reduction for residential Solid Waste customers.

Tony Puente, Director of Finance, presented the staff report on a proposed rate reduction for residential Solid Waste customers. He reviewed the proposed 12% residential rate decrease, the impact of the rate decrease and the discussion of the next steps.

Council discussed:

- Whether the reduction would impact the debt service for solid waste
- The reduction only covered residential solid waste service at this time but included recycling as well as solid waste
- Whether it would be better to accelerate the repayment of debt service as opposed to a rate reduction

Puente presented staff efforts to date regarding the rate reduction in terms of business unit realignment, revised capital planning and budget processes, and a review of business case and financial analyses. Changes in the Capital plan and debt service included a reduction of the CIP, the impact of reserves and working capital, and the budget impact. Next steps included operational review, cost of service and market study, and proposed departmental budget.

- D. ID 18-481 Receive a report, hold a discussion, and provide direction to staff on the Denton Development Code Update, specifically regarding Administration and Procedures (Module 2).

Matt Goebel, Clarion and Associates, presented information concerning the project overview, a review of administration and procedures and next steps. The project overview included information on what was the DDC, goals of the Denton 2030 Plan, tasks and timeline, and the drafting of the new DDC in modules.

Administration & Procedures module - Goble presented the goals of the module. He noted each subchapter's basic information, review and decision-making bodies, common review procedures; change of use permit; subdivision procedures, plan and DDC amendments; planned development updates, flexibility and relief procedures; and minor modifications. He noted the future meetings to discuss Module 2 that also included update zoning map public meetings.

Council discussed:

- The rezoning map as part of updating the DDC
- Changing back from MPC to PD in terms of size of project
- Maintain flexibility with infill

Council discussed the Development Advisory Committee and whether it should remain in its present composition and the role of the Committee.

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

1. Closed Meeting:

A. ID 18-439 Consultation with Attorneys - Under Texas Government Code, Section 551.071

Discuss, deliberate, and receive information from staff, the City's attorneys, and retained outside counsel and provide staff, the City's attorneys, and retained outside counsel with direction pertaining to the status, strategy, current discussions with opposition, and possible outcomes of the condemnation case styled City of Denton, Texas v. RTS&M, LLC, et al., Cause No. PR-2014-00492, currently pending in the Probate Court of Denton County, Texas; 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 litigation.

B. ID 18-504 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086. Receive information from staff, and discuss, deliberate and provide direction to staff regarding the future plans for, and current and future operations of, the Gibbons Creek Steam Electric Station owned by the Texas Municipal Power Agency. (The City of Denton is a member of TMPA).

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting to consider the following items:

1. CONSENT AGENDA

Mayor Pro Tem Bagheri motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-462

- A. ID 18-462 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation authorizing and approving the execution by the City Manager, or his designee, of a contract between the City of Denton, Texas and STHProject, a non-profit corporation ("STH"), providing for authorization of STH to provide lunches to children under the age of eighteen and qualifying disabled participants through age 21 at no charge to said recipients during the summer months at designated City of Denton Park and Recreation facility sites; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (4-0).

- B. ID 18-479 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2017-18 Budget and Annual Program of Services of the City of Denton to allow for increases to: (A) the General Fund of \$951,800 for the purpose of funding police facility and park improvement projects, (B) the Park Development Trust Fund of \$288,000 for the purpose of funding park property enhancements, and (C) the Capital Improvement Program of \$8,263,619 for the purpose of funding drainage, police facility, streets and parks capital projects; declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

This item was not considered.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. 18-455

- A. ID 18-455 Consider approval of a resolution of the City Council of the City of Denton, Texas supporting action by the Regional Transportation Council related to Local Control in the advancement of the I-635/LBJ East Project, and providing an effective date.

Mark Nelson, Director of Transportation, presented the staff report regarding the managed lane debate. He reviewed the description of the IH-635 East Project and the State directive regarding the planning process and removal of local control. He noted the regional position regarding the project which approved managed lanes and the impact of that position. Support of managed lanes was presented along with the next steps in the process in terms of the Regional Transportation Council. The City needed to determine a position regarding managed lanes.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-478

- B. ID 18-478 Consider adoption of an ordinance of the City of Denton, Texas a Home-Rule Municipal Corporation, amending Ordinance No. 2017-273 to reduce solid waste residential collection service rates, and remove certain administrative rate setting provisions; and providing for an effective date.

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

Ordinance No. 18-506

- C. ID 18-506 Consider adoption of an ordinance authorizing the City Manager, or his designee, to sign a Notice of Extension of the TMPA Power Sales Contract for Seasonal Operation from September 1, 2018 to September 30, 2018 pursuant to Section 5.1.3 of the TMPA Amended Joint Operating Agreement.

George Morrow, General Manager of DME, presented the staff report regarding the extension of the TMPA power sales contract. The extension would be for one month only.

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

Council returned to Item 2.D. to discuss the Development Review Council committee.

- D. ID 18-481 Receive a report, hold a discussion, and provide direction to staff on the Denton Development Code Update, specifically regarding Administration and Procedures (Module 2).

City Attorney Leal noted that the Development Review Advisory Review Committee was created in 2006 without a resolution. The Agenda Information Sheet for that item showed that the Committee would look at specific amendments. A resolution in 2015 amended the Board/Commissions/Committees Handbook including this ad hoc committee. It was his determination that this was an active committee and that the meeting scheduled for Wednesday could be held. Planning and Zoning Commission members were not considered part of the Committee and he encouraged Council to adopt a resolution with parameters of the Committee.

3. 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.

Mayor Pro Tem Bagheri suggested including DISD partnerships as a topic for discussion during the joint DISD meeting.

Council Member Duff noted that he had received concerns regarding recycling in apartments.

Council Member Duff suggested acquiring the Credit Union branch property for use as an increase parking location.

Council Member Gregory requested that the joint meeting with the DISD be broadly posted so as to include dialog regarding future construction, bonds, purchases of property, school safety and deployment of school resource officers.

Council Member Ryan requested a Work Session on red light cameras, traffic signals and intersection safety.

Council Member Briggs requested an update on the TxDOT funding for McKinney in terms of scheduling for use of the funds.

Council Member Briggs requested an update on the hiring process for the bike/pedestrian coordinator.

Council Member Briggs requested a copy of the wastewater drainage fee ordinance in their Friday packet.

Council Member Briggs requested the timing of the Carroll/Hickory crosswalk be checked as it appeared it was a short timing sequence.

Council Member Briggs asked that a copy of the new proposed zoning map be included in their Friday packet.

Council Member Briggs requested that during the DDC update process, staff work for outreach and collaboration with residents impacted, including neighborhood planning for a new historic register in her district.

Mayor Pro Tem Bagheri requested that the red light camera contract be included in the Work Session discussion.

Mayor Pro Tem Bagheri requested an Informal Staff Report regarding what percent of recyclables were sent to China and information on buyers of the City's recyclables.

Mayor Watts requested a report on options of how the City could minimize its use of Styrofoam and plastic.

With no further business, the meeting was adjourned at 7:02 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS