

CITY OF DENTON CITY COUNCIL MINUTES

November 11, 2014

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, November 11, 2014 at 3:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Roden, Council Member Ryan, and Mayor Watts.

ABSENT: None.

Work Session Reports

Work Session Item B was considered.

B. ID 14-0732 Receive a report, hold a discussion, and provide staff direction regarding City-owned location options for the Community Market in the Downtown area.

Emerson Vorel, Director of Parks and Recreation, presented options for the Community Market in the downtown area. There were three potential city owned locations - Quakertown Park, inside the Civic Center and the former County property across the street from City Hall. The current buildings at that location were being removed. In terms of Quakertown Park, he was opposed to the idea of the Community Market there as did the Park Board. They did not want to turn public park spaces into commercial spaces and did not want to tie the property up for Saturday mornings. It would be a retail market on park property. There could also be issues with parking and issues with the Senior Center. Having this type of event would also present wear and tear in the park especially if there was rain prior to the Saturday which could result with vendors driving in the grass and destroying the park. Currently the City hosted several major events in Quakertown Park and by the end of those events, the park looked bad. There was also the potential of parking issues associated with the Senior Center which was open on Saturdays from 9:00 – 1:00. After Labor Day 2015 a reconstruction of the Civic Center pool would be taking place with heavy equipment in the vicinity of the pool.

Council Member Roden questioned if staging events in the park along the new walking trail would help with the potential of damage to the park.

Vorel replied yes. He also noted that any vending in the park required a \$25/day fee per venue. The north end of park required a \$1875/day rental fee.

Council Member Gregory questioned how those fees were determined.

Vorel stated that both fees were used to offset operation and maintenance costs of the park facilitates. The park vendor fee was charged to all events vending in any park. Any movement on reducing or coming up with a revised fee for the Community Market could impact other events such as Juneteenth or Arts and Jazz Fest which would also want reduced fees. Park fees were established in conjunction with the Park Board.

In terms of using the Civic Center, the inside had room for 50 10x10 booth spaces. Additional space was also available on the outside pavilion. Food trucks could park out front of the Civic Center. Park vendor fees would also apply for rental fees for the Civic Center. The first year only 40 weekends could be done due to the Arts and Jazz Fest, Cinco de Mayo and other events

hosted by the parks staff. There were also two other venues that were scheduled on weekends which he would recommend leaving those two dates in tact to help cover the revenue on the facility. While the Civic Center had air conditioning and was out of the weather, it was still an indoor facility and would not provide the feel of an outdoor event.

Council Member Roden stated that the event would have an indoor/outdoor aspect in terms of the patio and questioned going further out between the buildings.

Vorel stated that he did not want a weekly event at Quakertown Park.

Council Member Roden questioned about using parks in general.

Vorel stated that he had an objection to putting a for profit event on city property. Staff was currently working on a rewrite of the park ordinance dealing with commerce in the parks. The Park Board had instructed staff to rewrite the ordinance for no selling in the park.

Vorel continued with the third option which was the former County property across the street from City Hall. The fee to use that area would be \$100/day with no park vendor fees. There was no water and no electricity at that site. Some of the area there would be paved for additional parking in the Downtown area. If the area was used for the Community Market, it would not be available on the weekend of Arts and Jazz Fest.

Council Member Johnson stated that there were a variety of ideas for the use of the former County property. There was a current need for parking on that side of the downtown area. There could be the possibility of paved parking, signage and lights for the evening parking. That was a large site and there should not be conflicts with the usage of the site. Of the three sites offered, he felt the former County property was the best site.

Council Member Ryan questioned how the sites were determined.

Vorel stated that staff looked for city owned property in the downtown area.

Council Member Ryan stated that south and east of the Police Station there was a large parking lot which was a block from the train station.

Vorel stated that it was felt that was too far from Downtown but could be considered.

Council Member Ryan indicated that he liked the former County property.

Council Member Hawkins suggested putting restrooms on the site and charge more for the Community Market to use the space.

Vorel stated that there were three sets of restrooms about to be set in place and to put in permanent restrooms would cost about \$250,000.

Council Member Gregory felt for the short term it would be a good location for the Community Market and suggested thinking creatively on the locations. To offset the lack of trees and lack of

shade funds could be used for a metal pavilion type building that was open air but provided shade and protection from the rain.

Council Member Roden felt that there was an amount of uncertainty in this location if it would get developed. A backup plan might be to use a park if needed to complete out the contract.

Council Member Engelbrecht stated that he would like to hear from the Community Market managers before any comments from him on a location. A lot of communities had these events on parking lots and put a cover up over the parking spaces. Any green space might be used as a performance space which would provide dual use of the area.

Mayor Watts stated that the challenge to trying to find a location in the downtown area was to make the commitment that the Community Market would be the best and highest use for whatever property.

Katie Trice stated that the Market was now a 501c3 event with 80 vendors and was not a commercial enterprise. The Market provided an economic market for vendors.

Vicki Oppenheim stated that other cities recognized the benefit of markets in their city. Coppell provided space, a contract and staffing for their market. They hoped over time to have a more formal arrangement with the City. Right now they needed alternative locations as currently they were on County property but their growth was limited. Quakertown Park would provide room for growth and in time would provide a more viable use for the property year round. People were excited about the Quakertown Park option. However, they were willing to work with whatever location was determined.

Trice stated that a partnership with Denton would facilitate that kind of economic development growth.

Oppenheim stated that markets had a unique role in cities and she saw this market as evolving into a permanent part of the city.

Council Member Roden felt that Quakertown Park was an underutilized park and he liked bringing life to that park. He would like to explore options for the use. He questioned where parking would be for that site and how to keep parking out of non-usable spaces.

Trice stated that the guiding principles of the Market included coming by alternative means of transportation and they would encourage participants to walk and bike to the Market. The neighborhoods could be used for parking as well.

Oppenheim stated that signage could be put up during the market.

Council Member Roden asked about wear and tear on the grounds.

Trice stated that the vendors at the current location did not drive on the grass and would not be doing that at any other location. Parks were meant to be used by the public and they had a public market.

Council Member Gregory stated that other vendors that used the park paid \$25/day. For fairness sake the same would have to be done for the Market vendors.

Trice stated that their vendors only paid \$11/day.

Oppenheim stated that they did a survey and the response was overwhelming that \$20 was too high for a fee. They were thinking of \$15 next year for vendor fees and to add \$25 on top of that would be a deal breaker.

Council Member Engelbrecht asked about the old grocery store site on Sherman Drive.

Oppenheim stated that they were always looking for sites. She felt that the benefit for the Market was to be near the downtown area for visitors, etc.

Council Member Engelbrecht asked for comments on the former County property site.

Trice stated that the site sounded promising. It was encouraging to have this type of event with a green space as it encouraged people to stay, listen to music and play with their kids. They were looking for a permanent building in the future.

Council Member Hawkins asked about the Civic Center usage.

Oppenheim stated that they would like to have green space as well and not just be enclosed. When the weather was good they would like to have an indoor/outdoor event.

Council Member Gregory felt that there were problems with all of the locations. In terms of fees, if one event had to pay the park fees, then everyone should have to pay the fees.

Trice stated that if the fees were charged, they would not be able to use that location.

Council Member Engelbrecht asked about the location on Exposition.

Trice and Oppenheim stated that location might be viable as it was near the train station and might be a good location.

Council Member Roden stated that as possible sites were being considered, the next steps to consider would be electricity and water.

Mayor Watts stated that Council direction was to further explore the Hickory Street site and the McKinney Street sites and possible amenities for those locations.

A. ID 14-0594 Receive a report, and hold a discussion regarding the status of Denton Municipal Electric's Capital Improvement Projects.

Brent Heath, Executive Director of Energy Delivery, stated that this item was an update on the DME Capital Improvement Program. He noted that Chuck Sears would be presenting an overview of the engineering accomplishments, Kendall King with Freese and Nichols would be

presenting information on the project management process, and Brian Daskam would be presenting information on the public notification process.

Heath presented major accomplishments since summer 2011 in terms of planning and site selection. Chuck Sears presented major accomplishments since summer 2011 in terms of engineering and construction. Kendall King presented major accomplishments in terms of project management processes and tools, and Brian Daskam presented information on the public involvement process.

Kendall King continued with the processes involved with individual project schedules and the overall program schedule. Aaron Fricke, Freese and Nichols, demonstrated the tools used for the program management project such as the web portal with various options to select for the database. They also had e-Building Program Management platform.

King continued with the status of the Freese and Nichols contract. The project program management assistance was \$6 million approved and the real estate support was for \$6 million approved. He reviewed the progress of the support.

Heath noted that there was a lot of progress being made in the projects.

- C. ID 14-0616 Hold a discussion and provide staff direction with regard to possible amendments to the City Council Rules of Procedure.

This item was not considered.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 4:49 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

Closed Meeting:

- A. ID 14-0559 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding support, implementation and operation of its Energy Risk Management Policy that deals with bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas (ERCOT) bids, prices, offers and related services and strategies, and the terms and authorizations related thereto, as well as other public power information. Consultation with the City's attorneys regarding legal issues associated with the Energy Risk Management Policy 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 potential litigation. Discuss, deliberate, and provide staff with direction.

- B. ID 14-0567 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

With no further business, the meeting was adjourned at 7:20 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS