

CITY OF DENTON CITY COUNCIL MINUTES

August 16, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 16, 2016 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Roden, Council Member Wazny, Council Member Hawkins, Council Member Gregory, Council Member Bagheri, and Mayor Watts.

ABSENT: Council Member Briggs.

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 16, 2016.

Council Member Bagheri requested that Consent Agenda Items A, K and L-Q be considered individually. She would like a presentation on Items A and K and would reserve Items L-Q until after the Closed Session for presentation.

Council Member Hawkins stated that he also had questions on Items L-Q and asked if there was a review process in place for a review of ordinances.

City Attorney Burgess stated that Items L-Q were related to recent annexations and each of the corrective items had been brought forward by a citizen which prompted the review of the prior ordinances.

Mayor Watts asked about the percentage of opposition for Public Hearing - Item 7C.

Aimee Bissett, Director of Development Services, stated that staff usually waited until the public hearing as the percentage might change but as of right now it was 14%.

3. Work Session Reports

- A. ID 16-974 Receive a report, hold a discussion, and give staff direction regarding Ordinance No. 2015-074, relating to the Economic Development Partnership Board and its members' qualifications and tenure.

Caroline Booth, Assistant Director of Economic Development, reviewed the background information on the economic development partnership with the Chamber of Commerce. The City and the Chamber had an economic development partnership and created the Office of Economic Development and the Chamber created the position of Vice President for Economic Development. She reviewed the ordinance provisions for the board members noting that the original ordinance had been amended 3 times.

Terms of service for the members were reviewed, noting that Council and Chamber members could serve their three terms even if they were no longer in those positions after their original appointment, as long as they served continuously throughout the three terms. Staff was seeking

direction on changing the Economic Development Partnership Board member terms or maintaining the current term structure.

Council discussed the process to add the TWU president; consider a change that Council Members no longer on Council would not be able to continue to serve; Council should have control over their seats but might want to retain someone doing a good job; there already was such a continuation with the TMPA Board; changing the procedure might lose someone who had a lot of experience and knowledge if removed just because he/she was no longer on Council; and a suggestion to have an ex-officio Council Member instead of a voting member.

Consensus of the Council was that the only change at this time would be to add the new member and revisit the discussion of Council Members on the Board at a later date.

- B. ID 16-990 Receive a report, hold a discussion and provide staff direction regarding the Planning and Zoning Commission Rezoning Subcommittee.

Ron Menguita, Long Range Planning Administrator, stated that his presentation would involve who was the subcommittee and the purpose of the committee. He presented the members of the Committee and stated that their primary role was to assist in the city initiated re-zonings and make recommendations to the Planning and Zoning Commission. He reviewed why the city was involved in initiated re-zonings. Zoning request situations for the Planning and Zoning Commission were reviewed along with criteria for identifying properties that might need city initiated rezoning.

Council discussed that they were uncomfortable with the city telling property owners what their zoning should be; concern about changing zoning and making property non-conforming which might limit the use of the property; suggested getting the property owner's buy in before proceeding any further with proposed rezoning; dividing the process between those who might want to have their property rezoned and those not in favor of rezoning; policy concerns regarding the process and not enough property owner input.

Consensus of the Council was to not continue any further without council discussion regarding the policy associated with the process. A consideration might be to proceed with the property owners who were willing to rezone first.

Menguita continued with examples of areas that might be in need of rezoning.

Council agreed to proceed with the subcommittee meeting to identify areas where vetted with property owners; provide proper notices with adjacent and property owners; hold a public meeting before going too far along in process; identify specific areas being looked at and open up to property owner that he might want to be involved in the process.

- C. ID 16-1059 Receive a report; hold a discussion, and give staff direction regarding the FY 2016-17 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Chuck Springer, Director of Finance, stated that Council had received a memo regarding questions from the August 4th meeting. This item would allow for discussions of proposed changes in the recommended budget to date and an opportunity for additional budget discussions. He reviewed a clarification of changes in supplemental packages for the current fiscal year.

Council discussed a determination of funding for the Emergency Services Grant funding so that it continued every year and not have to have a discussion each year on how to fund; a review that the proposed funding for this next budget year was only a one time funding and not a yearly commitment from the City; discussion of the listings for individual clarification of Council Member questions. Council also discussed a suggestion to add to the supplemental packages the increased funding to the Parks Foundation; use of the TIRZ money should go through the TIRZ Board before Council consideration; and hold a policy discussion regarding the use of the TIRZ funds.

Springer reviewed the next steps in the process including the required public hearings.

Council discussed their preferences for a tax decrease; the use of reserve funds for special projects, the tax rate and where to establish the rate. Consensus of the Council was to proceed with a half cent tax rate decrease.

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 16-1008 Deliberations Regarding Certain Public Power Utilities: Competitive Matters – Under Texas Government Code Section 551.086.

Receive a presentation from staff regarding public power competitive and financial matters related to the City's participation in, and the overall operational and financial aspects of, the Texas Municipal Power Agency; discuss and deliberate strategies regarding same; discuss, deliberate and provide staff with direction.

B. ID 16-1070 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of real property interests in the A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road). Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above 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 potential litigation. (Fort Worth Drive Utility Relocations project) [ID 16-1075]

- C. ID 16-1061 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission and the Zoning Board of Adjustment. [ID 16-1046]

- D. ID 16-710 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests related to the location and siting of electric transmission lines in an area bounded by Fort Worth Drive and Elm St. (western boundary), Robertson Street (northern boundary), the DART/D.C.T.A rail corridor (eastern boundary), Inman St. with an easterly projection to Spencer Rd. (southern boundary) and being located within the W. Loving Survey, Abstract No. 759; the H. Sisco Survey, Abstract No. 1184; the S. Hiram Survey, Abstract No. 616; the W. Teague Survey, Abstract No. 1266; the M. Austin Survey, Abstract No. 4; the J. Taft Survey, Abstract No. 1256; the R. Hopkins, Abstract No. 1694; and the A. Hill Survey, Abstract 623, lying within the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above where a 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation, or where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. [Spencer to Locust Transmission Route]

- E. ID 16-850 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas; discussion had, deliberation, and direction given by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Brinker SS and TL) [ID 16-851]

- F. ID 16-962 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consultation, discussion, deliberation and receipt of information from the City's attorneys involving legal matters relating to the annexation or extension/renewal of non-annexation agreements for eligible properties, and to provide the City's attorneys with direction, where a public discussion of 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.

- G. ID 16-971 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.

- H. ID 16-989 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys, hold a discussion, and give staff direction regarding policy considerations with regard to the city initiated rezoning recommendations of the Planning and Zoning Commission Rezoning Subcommittee, where a public discussion of this matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- I. ID 16-1055 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 2016-2017 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2016-2017, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

There were no proclamations/presentations for this meeting.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council. B. Receive Scheduled Citizen Reports from Members of the Public.

1. ID 16-1047 Shirley Johnson and Shirley Martin regarding a property tax freeze for seniors and the disabled.

Ms. Johnson presented information on the history of a property tax freeze for seniors and the disabled. Ms. Martin presented additional facts regarding the property tax freeze for seniors and the disabled.

2. ID 16-1076 Lavona Duryea regarding internet service.

Ms. Duryea spoke on the internet situation at Lake Forest Village as they were not able to obtain service. She requested Council complete the process in order for them to get their service.

3. ID 16-1077 Frank Kluge regarding internet service.

Mr. Kluge presented the concerns of Lake Forest Village regarding the lack of internet connectivity in their homes. They were waiting for the connection to the ISP which was needed so they could get their connection. He urged the Council to proceed with the contract for the ISP.

4. ID 16-1078 John McComack/Danny McComack regarding TMPA power lines.

Mr. McComack spoke on purchasing easements and moving the TMPA power lines in the area of his property. His family would be selling the property for the substation but wanted the power lines moved.

C. Additional Citizen Reports

1. Donald Duff spoke on freezing senior citizens and the disabled property taxes. Council should take a vote on the issue.
2. Rob Atherton spoke regarding the property tax freeze for seniors and the disabled.

4. CONSENT AGENDA

Council Member Hawkins motioned, Mayor Pro Tem Roden seconded to approve the Consent Agenda Items B-CC pulling Items A and K for individual consideration and approving the substitute ordinances for L, M, and P. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Approved the exception request listed below.

- B. ID 16-894 Consider a request for an exception to the Noise Ordinance for the purpose of the Oaktopia Music Festival. Live music will be played at LSA Burger's Open-Air Patio at 113 E. Hickory; the Denton County Historic Courthouse Lawn at 110 W. Hickory St.; Travelstead at 209-211 E. Hickory St.; and the parking lot (Second Stage) at 126 E. Oak St. Performances will begin on Thursday, September 22, 2016, from 5:00 p.m. to midnight at LSA Burger's Open-Air Patio and Travelstead Stage. They will continue on Friday, September 23, 2016, 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. The last day of events is Saturday, September 24, 2016, from 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. An exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 5 p.m. to midnight.

Resolution No. R2016-022

- C. ID 16-905 Consider approval of a resolution allowing DI2-Denton1, LLC, DBA Lone Star Attitude Burger, to be allowed to sell alcoholic beverages at Oaktopia, September 22-24, 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.

Resolution No. R2016-023

- D. ID 16-943 Consider approval of a resolution allowing the Black Chamber of Commerce to be the sole participant allowed to sell alcoholic beverages at the Blues Festival September 16-18, 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. The Parks, Recreation, and Beautification Board recommends approval (4-0).

Ordinance No. 2016-223

- E. ID 16-965 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce; authorizing the expenditure of funds therefor; and providing for an effective date. (\$1900)

Ordinance No. 2016-224

- F. ID 16-966 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Fred Moore Day Nursery for the purpose of expenses for the Activity Room; providing for the expenditure of funds therefor; and providing for an effective date. (\$1500)

Ordinance No. 2016-225

- G. ID 16-968 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Parks Foundation for the purpose of Scholarships for the Friends of the Parks Foundation; providing for the expenditure of funds therefor; and providing for an effective date. (\$450)

Ordinance No. 2016-226

- H. ID 16-982 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Giving Hope, Inc. for funds that will be used for Homeless Prevention assistance; providing for the expenditure of funds therefor; and providing for an effective date. (\$1,975)

Ordinance No. 2016-227

- I. ID 16-986 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Holiday Festival Association; authorizing the expenditure of funds therefor; and providing for an effective date. (\$500)

Ordinance No. 2016-228

- J. ID 16-1021 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Assistance Center, Inc.; authorizing the expenditure of funds; and providing for an effective date. (\$400)

Ordinance No. 2016-230

- L. ID 16-991 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-189 relating to the related to the annexation of an area of land of approximately 4.29 acres to the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding one parcel of land that was inadvertently annexed notwithstanding that the parcel was eligible to sign a non-annexation agreement for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Ordinance No. 2016-231

- M. ID 16-992 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-070, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by including one parcel of land that was inadvertently excluded from Ordinance No. 2015-070 even though the parcel was eligible to receive and sign a Non-Annexation Agreement; providing for a savings clause; and providing an effective date.

Ordinance No. 2016-232

- N. ID 16-998 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2010-117 relating to the annexation of an area of land of approximately 1,171 acres to the City of Denton,

Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding two parcels of land that was inadvertently annexed notwithstanding that the parcels were eligible to sign non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Ordinance No. 2016-233

- O. ID 16-999 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2010-040, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by including two parcels of land that was inadvertently excluded from Ordinance No. 2010-040 even though the parcel were eligible to receive and sign Non-Annexation Agreements; providing for a savings clause; and providing an effective date.

Ordinance No. 2016-234

- P. ID 16-1002 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-186 relating to the annexation of an area of land of approximately 1,171 acres to the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding four parcels of land that was inadvertently annexed notwithstanding that the parcels were eligible to sign non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Ordinance No. 2016-235

- Q. ID 16-1004 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-067, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by including four parcels of land that was inadvertently excluded from Ordinance No. 2015-067 even though the parcels were eligible to receive and sign Non-Annexation Agreements; providing for a savings clause; and providing an effective date.

Resolution No. R2016-024

- R. ID 16-1007 Consider approval of a resolution adopting the City of Denton Public Art Master Plan for the City of Denton, TX; and providing an effective date. The Public Art Committee recommends approval (7-0).

Resolution No. R2016-025

- S. ID 16-1035 Consider approval of a resolution of the City Council of the City of Denton nominating PACCAR, INC. to the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("the Bank") as an Enterprise Project ("Project"); and providing an effective date.

Ordinance No. 2016-236

- T. ID 16-1037 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a purchase order through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program Contract# 02042315 for the replacement of Sections C, D, E, and F of the roof at the City of Denton Civic Center by way of an Interlocal Agreement with the City of Denton; and providing an effective date (File 6179-awarded to CBS Mechanical, Inc. dba CBS Roofing services in the amount of \$183,518).

Ordinance No. 2016-237

- U. ID 16-1038 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the Texas Department of Public Safety (TxDPS) under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton Fleet Department to perform maintenance and general repair services on TxDPS vehicles in return for payment as stipulated in the Interlocal Agreement; and declaring an effective date (File 6194).

Ordinance No. 2016-238

- V. ID 16-1039 Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Agreement with Denton County Probation Department under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to utilize community services workers on various projects and services with no funds expected to be authorized for this program; and declaring an effective date (File 6199).

Ordinance No. 2016-239

- W. ID 16-1040 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a professional services agreement between the City of Denton and SSP Innovations to assist Denton Municipal Electric with their Operation Technology including General Information Systems (GIS) and related software which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6122-in the three (3) year not-to-exceed amount of \$2,000,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-240

- X. ID 16-1041 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for mailing services including the daily pick-up, metering, and delivery to the United States Post Office for the City of Denton's residual mail; providing for the expenditure of funds therefor; and providing an effective date (RFP 6155-awarded to EagleWheeler Printing Company in the three (3) year not-to-exceed amount of \$345,000).

Ordinance No. 2016-241

- Y. ID 16-1042 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Electric Utility Outdoor Metal Enclosed Switchgear for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6170-awarded to Anixter Power Solutions in a three (3) year not-to-exceed amount of \$550,000).

Ordinance No. 2016-242

- Z. ID 16-1043 Consider adoption of an ordinance releasing, abandoning and vacating a 0.08 acre portion of a 0.4138 acre public utilities easement recorded in Volume 2637, Page 12, Real Property Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 141; and declaring an effective date. [Abandonment of a portion of public utility easement to allow for lot development: Worthington Street] The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-243

- AA. ID 16-1044 Consider adoption of an ordinance releasing, abandoning and vacating a 0.103 acre portion of a 0.187 acre public utilities easement recorded in Volume 923, Page 431, Deed Records, Denton County, Texas, and located in the A. Hill Survey, Abstract No. 623; and declaring an effective date. [Abandonment of a portion of public utility easement to allow for lot development: DME Locust Street Substation] The Public Utilities Board recommends approval (6-0).

Resolution R2016-026

- BB. ID 16-1053 Consider approval of a resolution regarding the proposed site for construction, expansion, and use of an electric power transmission/distribution substation located in the southwest area of the City of Denton, north of Farm to Market Road 2449, east of John Paine Road, south of Springdale Drive (on Hickory Creek), west of Interstate 35W; in the City of Denton, Texas; as part of Denton Municipal Electric's service territory. (Underwood Substation)

Ordinance No. 2016-244

- CC. ID 16-1073 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Microsoft Enterprise Licensing Renewal agreement to renew licensing for the: Desktop Optimization Package, Remote Desktop Services, Office 365, and Client/Server software licensing as approved by the State of Texas Department of Information Resources (DIR) Contract Number DIR-SDD-2503; providing for the expenditure of funds therefor;

and providing an effective date (File 6207-awarded to SHI Government Solutions in the three (3) year not-to-exceed amount of \$1,890,003).

Item A was considered.

Ordinance No. 2016-222

- A. ID 16-858 Consider adoption of an Ordinance of the City of Denton, Texas authorizing the City Manager to execute a professional services agreement between the City of Denton and Focused Advocacy, LLC to assist the City of Denton in advancing its State Legislative Program, assist Council and staff in addressing proposed legislation, and make the City aware of any legislative or administrative initiatives believed to be detrimental to the interests of the City; authorizing the expenditure of funds; and providing an effective date (File 6182-in the annual not-to-exceed amount of \$166,000 for a four (4) year total not-to-exceed \$664,000).

Lindsay Baker, Intergovernmental Relations Officer, presented information on the proposed contract noting the length of service with the firm, length of the proposed contract and the need for the services of the firm.

Council Member Bagheri stated that the city also had a contract with the Fred Hill firm and questioned the difference in the scope of work between the two firms.

Baker stated that both firms dealt with sales tax and community tax issues with the Hill firm providing additional perspective for these issues.

Council Member Bagheri stated that the funding for these lobbyists was through tax payer money and she struggled using tax payer money to advocate against ideals of the tax payers. In addition to Focused Advocacy the City also had TML and the Hill agency and felt that there were too many lobbyists on overlapping issues. She asked if this was a request for proposal.

Baker stated that it was a professional services agreement that provided services for DME and the City in general.

Mayor Pro Roden felt that it showed what was done in Austin. There were already conversations that cities did not have rights.

Council discussed the value of having such lobbyists available to the city to protect city issues, using tax dollars which might be opposed by some tax payers and that Fred Hill focused on revenue caps.

Mayor Pro Tem Roden motioned, Council Member Hawkins seconded to adopt the ordinance. A. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Bagheri "nay". Motion carried with a 5-1 vote.

Item K was considered.

Ordinance No. 2016-229

- K. ID 16-988 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, establishing an Economic Development Investment Fund; defining and committing certain revenues of the City; providing a severability clause; and providing an effective date.

Chuck Springer, Director of Finance, reviewed the purpose of the fund and the background of the establishment of the fund.

Council discussed accountability for spending the funds and how to verify the self-reporting of the companies,

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Bagheri "nay". Motion carried with a 5-1 vote.

5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

Ordinance No. 2016-245

- A. ID 16-851 Consider adoption of an ordinance of the City of Denton ("City") determining the public use, need, and necessity for the acquisition of (1) fee simple title to the surface estate, including a waiver of surface use as to the mineral estate, of a 38.889 acre tract described and depicted in Exhibit "A" and (2) six electric utility and communication easements described in Exhibit "B" (0.800 acres shown as "Electric Easement No. 1" in Exhibit "B" and 0.046 acres shown as "Electric Easement No. 2" in Exhibit "B"), Exhibit "C" (0.919 acres), Exhibit "D" (0.642 acres shown as "Electric Easement No. 1" in Exhibit "D" and 4.636 046 acres shown as "Electric Easement No. 2" in Exhibit "D"), and Exhibit "E" (0.040 acres), with each and every property interest described above being located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas, and each and every property interest described above being collectively referred to hereafter as "Property Interests"; authorizing the City to acquire the property interests by either agreement or through the use of the power of eminent domain; authorizing the use of the power of eminent domain to acquire the property interests if an agreement cannot be reached; authorizing the expenditure of funds; makings findings; providing a savings clause; and providing an effective date. [Brinker SS and TL]

Galen Gillum, Executive Manager of Administration, presented the background information concerning the proposal for Brinker Substation noting that all practical options had been reviewed.

Council Member Gregory motioned: "I move that the City of Denton, after having made the offers required by State law, use of the power of eminent domain, if needed, to acquire the following property interest and related rights which are all located in the Mary Austin Survey, Abstract No. 4, City of Denton, County of Denton, Texas and described in the ordinance under consideration, in which are all for a valid public use, necessary to provide for the expansion, construction,

maintenance, operation and improvement of the electric transmission lines, facilities and structures including substations to serve the public and citizens of the city; (1) fee simple title to the surface estate, including all waiver of surface use as to the mineral estate, of a 38.889 acre tract described and depicted in Exhibit "A" now being displayed on the overhead screen and (2) six electric utility and communication easements described in Exhibit "B" (0.800 acres shown as "Electric Easement No. 1" in Exhibit "B" and 0.046 acres shown as "Electric Easement No. 2" in Exhibit "B"), Exhibit "C" (0.919 acres), Exhibit "D" (0.642 acres shown as "Electric Easement No. 1" in Exhibit "D" and 4.63 6046 acres shown as "Electric Easement No. 2" in Exhibit "D"), and Exhibit "E" (0.040 acres) now being displayed on the overhead screen; all of which are for a valid public use necessary for the necessary to provide for the expansion, construction, maintenance, operation and improvement of the electric transmission lines, facilities and structures including substations to serve the public and citizens of the city". Council Member Bagheri seconded the motion.

Gillum noted that as the motion was being made, the legal descriptions of the easements were displayed.

Speaker cards were submitted by:

William Nicholson - spoke in support

Rob Rayner - spoke in support

On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No 2016-246

B. ID 16-1075 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road) and being situated in the A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and with the use, purpose and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Fort Worth Drive Utility Relocations project] The Public Utilities Board recommends approval (6-0).

Paul Williamson, Real Estate Manager, presented the details of the item, noting that it was for the Fort Worth Drive Utility Relocations project. He displayed the property tracts as the motion was read.

Council Member Hawkins motioned :“I move that the City of Denton, after having made the offers required by State law, use of the power of eminent domain, if needed, to acquire the necessary easements as defined as the Property Interests in the ordinance now under consideration, consisting of various tracts along Fort Worth Drive, the limits of which being from its intersection with Interstate 35 East, south to F.M. 1830, City of Denton, Denton County, Texas, and being more particularly described on Exhibit “A” to the ordinance now under consideration and on the overhead screens, now being displayed to the audience, all of which are for a valid public use, necessary to provide for the construction, operation, and maintenance of both the municipal water system improvements and the municipal sanitary sewer system improvements necessary for the Fort Worth Drive Utility Relocations project.” Mayor Pro Tem Roden seconded the motion.

On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 16-1046 Consider nominations/appointments to the City’s Boards and Commissions: Airport Advisory Board; Health & Building Standards Commission; Human Services Advisory Committee; Parks, Recreation and Beautification Board; and Zoning Board of Adjustment.

Jennifer Walters, City Secretary, reviewed the outstanding nominations.

In addition to the nominations presented in the backup materials, Mayor Watts nominated Mary Beth Cunningham to the Community Development Advisory Committee;

Mayor Pro Tem Roden motioned, Council Member Hawkins seconded to approve the nominations. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

7. PUBLIC HEARINGS

Ordinance No. 2016-247

- A. Z16-0008b Hold a public hearing and consider adoption of an ordinance providing an initial zoning district designation of Employment Center Industrial (EC-I) District to an approximately 23.24 acre property generally located on the west side of Geesling Road, approximately 700 feet south of East University Drive (US 380). The Planning and Zoning Commission recommends approval (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this was a request for initial zoning for property that was voluntarily annexed. She presented the location, current zoning and proposed zoning for the property. The Denton Plan 2030 compatibility, approval considerations and public notifications were also reviewed. The Planning and Zoning Commission as well as the staff recommended approval.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Roden motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Resolution No. R2016-027

- B. ID 16-1013 Hold a public hearing and consider approval of a resolution regarding the proposed route for construction, expansion, and use of the electric power transmission line located in an area bounded by Fort Worth Drive and Elm St. (western boundary), Robertson Street (northern boundary), the DART/D.C.T.A rail corridor (eastern boundary), Inman St. with an easterly projection to Spencer Rd. (southern boundary) and being located within the W. Loving Survey, Abstract No. 759; the H. Sisco Survey, Abstract No. 1184; the S. Hiram Survey, Abstract No. 616; the W. Teague Survey, Abstract No. 1266; the M. Austin Survey, Abstract No. 4; the J. Taft Survey, Abstract No. 1256; the R. Hopkins, Abstract No. 1694; and the A. Hill Survey, Abstract 623, lying within the City of Denton, Denton County, Texas; as part of Denton Municipal Electric's service territory. (Spencer to Locust Transmission Line)

The Mayor opened the public hearing.

Brian Daskam, External Affairs Manager, presented the details of the proposed Spencer to Locust Transmission Line. He presented an evaluation matrix on the various proposed routes and noted the public involvement steps. The recommendation from the Public Utilities Board and staff was the green route which was the current route.

The following individuals spoke during the public hearing:

Craig Freeman – neutral
Carmen Borland – opposed

The Mayor closed the public hearing.

Mayor Pro Tem Roden motioned, Council Member Bagheri seconded to approve the resolution. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2016-248

- C. Z16-0003c Continue a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a rezoning request from Neighborhood Residential 3 District (NR-3) to Neighborhood Residential 6 District (NR-6) on approximately 0.6 acres, located on the northeast corner of North Bell Avenue and East Windsor Drive; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (4-2). (Z16-0003). This item was continued from the August 2, 2016 City Council meeting.

The Mayor noted that the public hearing was already opened from a prior meeting.

Julie Wyatt, Senior Planner, reviewed the zoning request for the property and the background of the Planned Development (PD-72). She presented the current zoning and proposed zoning to allow for two duplexes to be built on the site. The future land use, considerations of the proposal, site photos and public notification information was provided. The proposal was recommended by the Planning and Zoning Commission but staff recommended denial.

Council discussion dealt with when the current homes were built, how the duplexes would face the street; the Denton Plan 2030 goal of infill and staff's recommendation in contrast to that; and staff's denial based on this area being a gateway to the neighborhood.

The following individuals spoke during the public hearing:

Yolanda Vorel spoke in favor.

Tim Beaty spoke in favor

The Mayor closed the public hearing.

Council Member Bagheri motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

- D. ID 16-1065 Hold a public hearing to receive input from the public on the proposed adoption of the 2015 International Energy Conservation Code with proposed amendments.

Rodney Patterson, Building Official, presented the details of the proposal with key points noted. Staff was seeking direction to move forward as proposed with local amendments.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Michael Hennen – support

Ken Gold – opposed

David Levy - favor

Deb Armintor - favor

Jim Strange - in favor without Appendix RB and consider prescriptive options.

The Mayor closed the public hearing.

Council discussed not going above the code amendment proposed, cost analysis with the new code, not relaxing standards rather having the State come up to the city's standards, and not putting in a solar ready requirement at this time.

No action was required on this item at this time.

8. 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 an open session on the proposed ethics ordinance to be scheduled for September 27th.

Mayor Pro Tem Roden questioned if Council Member Wazny would be sharing the names of her committee members who worked on the proposed ethics ordinance at that time.

Council Member Wazny stated that while there was a draft ordinance there still was a need to look at the Charter provisions.

Council Member Wazny requested an item on the September 13th Work Session for Council to provide direction on a tax freeze.

Council Member Wazny requested a press release regarding electronic fences and dogs.

Council Member Wazny requested a Work Session regarding the Planning and Zoning Commission's plan to target properties to rezone in the city.

Council Member Bagheri requested a Work Session on the possibility of installing a stop sign at Bell and Windsor.

Council Member Bagheri requested information on the feasibility of an on-line message board system.

Council Member Bagheri requested information on a legal opinion to hire homeless people.

Council Member Bagheri requested information on a sunset committee to review city programs for efficiencies and scope.

Mayor Watts noted an upcoming Homeless Summit which would have various organizations attending to identify alternatives.

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 9:54 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS