

## CITY OF DENTON CITY COUNCIL MINUTES

May 26, 2015

After determining that a quorum was present, the City Council convened in a Special Called Work Session on Tuesday, May 26, 2015 at 2:00 p.m. in the Council Work Session Room at City Hall.

### 1. Work Session Reports

- A. ID 15-412 Receive a report, hold a discussion and provide staff direction relating to a proposal submitted by the Denton Community Market on establishing a new market location.

Mark Nelson, Director of Transportation, gave a presentation regarding a proposal submitted by the Denton Community Market on establishing a new market location. Key elements of the proposal included use of the former tax office property at 300 E. McKinney, a downtown location, and a five-year lease agreement. They were also looking for a site that would accommodate their growth. The proposal included several city-funded upgrades: parking for 81 vehicles; a covered facility for all weather and multi-season; restrooms; access to electric; access to water; green space (1 acre). Future wants included a permanent building for the Market and a long-term lease and partnership. Their proposal indicated that they no longer considered the 121 Exposition site a viable option for the future of the Market. Their proposal outlined desired enhancements to be made to the two-acre McKinney Street tract including paved parking, green space, a pavilion with stage, electric and water services for vendors and food trucks, and public restrooms.

Staff worked with Kirkpatrick Studio to develop a planning-level cost estimate for the proposed improvements. The total costs of improvements proposed were estimated at \$1,259,458.

Council Member Johnson asked for additional information comparing the cost of permeable paving versus traditional paving.

Council Member Roden asked if the idea was that the Market would be restricted to the east side of the property, leaving the additional parking on the west side.

Kati Trice, founder and vendor coordinator of the Denton Community Market, and Vicki Oppenheim, coordinator and planner of the Market, responded that they planned to use the entire space including the green space and parking for placement of vendors and activities during the market. Right now the market was open 9:00 a.m. until 1:00 p.m. every Saturday for 35 Saturdays from April to November. When the market was not in session, the green space could be utilized by the residents and visitors, and the parking could be used for downtown events and activities as well as businesses.

Roden asked what elements were essential and if any elements could be phased in over time.

Trice responded that phasing was an option; core needs were green space, electricity, water, and restrooms.

Johnson asked why the Exposition site was determined not to be viable for the market.

Trice stated that the Exposition site was determined not viable because the feel of that area was very industrial and not connected to other downtown activities.

Johnson suggested that the Market could be a draw for other activities on the Exposition site to compliment expected future growth in that area.

Nelson responded that the Exposition site served as the primary parking for the Police and Fire Training Facility. In addition to that the City was looking at adding additional hard-surface parking to accommodate the demand in that area.

Johnson asked how many additional parking spots could be accommodated in the Exposition site.

Nelson estimated that there were roughly 80 parking spaces that were marked at the Exposition lot. There was a green spot where a structure had been removed. It could be re-orientated to change it to accommodate roughly 170-180 spots.

Council Member Briggs suggested a test-run of the Market at the McKinney location.

Council Member Hawkins asked if there had been any vendor feedback regarding the current site.

Trice responded that there were challenges with the current site, including lack of permanent restrooms, a short-term lease, and no year-round facility.

Roden asked about the Market's discussions with the County on the current site.

Oppenheim responded that the Market did not have a long-term agreement with the County. They had discussed options for restrooms, but none of the other requested amenities.

Roden suggested the Market do a test at each location and collect data from visitors. He asked to look further at parking options for a multi-purpose space at the end of the rail trail.

Trice explained that both the parking spaces and the green space would be used on Market days and would be unavailable to vendors and customers at that time.

Council Member Wazny suggested that any improvements be long-term. She asked staff to explain the long-term plan for the McKinney site.

George Campbell, City Manager, responded that the City had not asked for proposals or done an analysis for the best use of the site, but had anticipated it might be used for transit-oriented development in the future.

Briggs asked if the restrooms would be open to the public throughout the week.

Trice suggested that the property could be additional green space, parking and restrooms for the downtown area.

John Cabrales, Assistant City Manager, responded that staff could explore extended hours for the facility, but there were vandalism and maintenance issues that would have to be addressed.

Roden asked about the capacity of the Railroad Avenue parking lot.

Nelson responded that there were roughly 120 spots in that lot, 64 in the transit center parking lot and around 75-80 in the Exposition lot.

Roden asked about the current parking capacity for the Market at the current location.

Oppenheim responded that they had access to the DATCU lot and on-street parking in the current location.

Mayor Watts asked Aimee Bissett, Director of Economic Development, to respond to the question regarding the long-term plan for the McKinney site.

Bissett stated that the City Council had asked staff to draft an RFP for use and redevelopment of city-owned property and innovative parking solutions. The McKinney site could potentially be a part of that RFP.

Watts stated that the intent in purchasing the property was to hold it for either a municipal complex or some type of public-private partnership with a private developer. He suggested that the Market continue to explore the Exposition site and look at other locations outside of the downtown area.

Johnson asked that staff take the Market's plan and do a layout on the Exposition site and see what it looks like.

General consensus of the Council was for staff to provide a cost estimate of the key elements on the Exposition site and to work with the Market to do a test run of the market at both sites.

Council also gave direction to schedule regular meetings with the Market coordinators to share information.

B.ID 15-427 Receive a report, hold a discussion and provide direction regarding a proposal from the Convention and Visitors Bureau to lease and operate a new Visitors Center in downtown Denton.

Bryan Langley, Assistant City Manager, stated that the Convention and Visitors Bureau had presented a proposal to the Hotel Occupancy Tax Committee to discuss the possibility of leasing and operating a Visitor Center in the downtown area. The HOT Funds Committee had considered this item and recommended the proposal be presented to the City Council. Although this type of proposal was typically considered during the budget process, this project was time-sensitive, and so was coming before the council for consideration.

Kim Phillips, Vice President of the Denton Convention & Visitors Bureau (CVB), presented the Discover Denton Welcome and Experience Center Project. The project was based on a business

plan developed by the 2011-2012 Leadership Denton class. The proposed site was on the downtown square between Evers Hardware and Lone Star Attitude. The business plan included a visitor center, sundries, internal promotions and sponsorships, ticket sales, tours and rentals. The physical space would also include a recording studio and offices for Denton Radio and the CVB. The CVB was requesting a budget amendment of \$135,000 as a prorated amount to begin August 1, 2015. The budget request for 2016 was \$200,000.

Briggs asked if this was the only location considered.

Phillips responded that they had looked at several locations over the last three years. They had considered the Gulf station at the corner of Elm and McKinney and requested funding for this location from the 2014 bond committee. An agreement could not be made with the building owners.

Briggs expressed concern with the noise and activity levels at the proposed location.

Hawkins stated that it would be beneficial for the City to have a physical space on the square.

Roden asked where the budget amendment would be funded from.

Chuck Springer, Director of Finance, responded that the Tourist and Convention Fund revenues were expected to exceed budgeted expenditures. Those revenues would fund the budget amendment.

Roden also asked if there were any cost savings by moving CVB offices from the current location.

Phillips answered that the offices proposed would be for additional office space and staff for the program.

Roden asked if this would compete with other Denton businesses.

Phillips stated that they would not sell anything to compete with an existing Denton store, but would provide an outlet for artists that don't currently have one in Denton.

Briggs asked how the CVB would measure success for the project.

Phillips stated that the center would not be a profit center, but would support the mission of the CVB. She did not expect the center to pay for itself or make a profit, but might generate revenue to offset some of its costs.

Wazny asked about parking for the location and projected revenue.

Johnson asked Phillips to discuss access to the rooftop deck on the building. He suggested that this could be a benefit for economic development efforts.

Hawkins asked if other visitors centers had sold gift cards for the local businesses in the area.

Phillips responded that it was something they had considered.

Mayor Watts asked if the rent rate was based upon a certain finish-out allowance.

Phillips confirmed.

Watts suggested that in the future, the City discuss options to own locations instead of renting.

The Council gave direction to move forward with a contract with the CVB and a budget amendment to consider on the June 16 council agenda.

C. ID 15-425 Receive a report, hold a discussion and give staff direction regarding Fire and Emergency Medical Services incident demand and strategies to improve response times.

Robin Paulsgrove, Fire Chief, gave a presentation regarding response times and performance indicators for Fire and Emergency Medical Services. He stated that his goal was to develop comprehensive strategies to improve response time. Paulsgrove explained that several criteria could impact response time, including travel distance, call volume, development density, target hazard, service equity, annexation agreement, and Insurance Services Office (ISO) standards.

Paulsgrove stated that the Denton Fire Department target response time was 5 minutes or less, excluding dispatch time. The department had not met that goal in the previous two years. Paulsgrove presented response times by district and explained that the high call volume increased response times, especially in fire districts that did not have medical units. In southeast Denton, data revealed the highest call volume. District 6 had the longest response times and the highest call volume growth projections. District 6 experienced a call volume that required supplementary responses from other districts to handle simultaneous calls.

In the area of east Denton, District 2, the data revealed high call volume, long response times and call volume growth. The analysis had revealed an area southeast/east as a priority location for an additional fire station. He stated that staff had identified the potential to utilize existing City-owned property for a Fire Station 8.

After Medical Unit 7 was placed in service southwest, one additional station, Station 4 in Northeast Denton, would remain without a medical unit. In 2014, District 4 required responsive support from other districts over 57 percent of the total incidents within the district. Over 19 percent of ambulance responses in District 4 experienced a response time of ten minutes or longer.

Paulsgrove stated that based on existing conditions, he recommended a new fire station 8 located southeast and a medical unit at existing Station 4.

Mayor Watts asked if a medic unit at Station 4 was a higher priority than an additional station.

Paulsgrove responded that based on his analysis, Station 8 would be the higher priority.

Paulsgrove responded that there was no additional funding allocated to add a unit. The station was currently staffed with an engine company.

Paulsgrove presented analysis of the resource demand criteria to determine prioritization of future stations and medical units.

Wazny asked about the overlap in 911 systems.

Paulsgrove responded that the dispatch study might recommend technology improvements to address this issue.

Briggs asked if every firefighter was EMS certified.

Paulsgrove clarified that every member of the responding organization was EMS certified, even if they were responding as part of the engine company.

The Council asked if there were other vehicles that could help improve response times for the high frequency calls.

Paulsgrove explained that both medical units and engines had dual use capabilities.

Mayor Watts asked if there were other opportunities for shared services to meet demand.

Paulsgrove stated that there were opportunities, but not to the same level as the agreement with the Argyle Emergency Services District.

D. 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 Johnson asked what the process was for the use of revenues in excess of expenditures. Johnson asked to discuss how to handle the excess expense for Arts & Jazz festival.

Council Member Roden asked to discuss fiber connectivity for commercial areas, including downtown and neighborhoods. Roden asked to receive a report with mapping of dumpsters in the right-of-way. Roden asked for report on the signs for handicap parking on East Hickory.

Mayor Watts asked about employment requirements for the animal shelter and adoption center. Watts asked for a history of bond issuances and projects completed or funding reallocated.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 5:24 p.m. to consider specific items when these items were listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

A. ID 15-444 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

1. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, 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; current and proposed extension to moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; 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 ordinance 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.

B. ID 15-447 Consultation with Attorneys - Under Texas Government Code Section 551.071, Deliberation regarding Economic Development Negotiations - Under Texas Government Code Section 551.087. Deliberation regarding Real Property - Under Texas Government Code Section 551.072.

1. Discuss, deliberate, receive information from staff and provide staff with direction pertaining to legal and economic development issues related to Orison Holdings and economic development incentives and the acquisition of real property interests in the H. Sisco Survey, Abstract No. 1184, Denton, Denton County, Texas, generally located in the 600 block of E. Hickory. This discussion shall include commercial and financial information the City Council has received from Orison Holdings which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of

the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

C. ID 15-448 Consultation with Attorneys - Under Texas Government Code Section 551.071, Deliberation regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

1. Receive a report and hold a discussion regarding legal and economic development issues regarding a proposed economic development incentive agreement for Project Ranger One (Denton-Tarrant PRW, LLC). This discussion shall include commercial and financial information the City Council has received from Project Ranger One which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

D. ID 15-463 Consultation with Attorneys - Under Texas Government Code, Section 552.071.

1. Consult with City's attorneys regarding litigation styled Watson v. City of Allen, et al., Cause No. 4:15-cv-00335-A, currently pending in the US District Court, Northern District of Texas where 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.

The Council returned to Open Session and with no further business, the meeting was adjourned at 8:17 p.m.

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CHRIS WATTS

MAYOR

CITY OF DENTON, TEXAS

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JANE RICHARDSON

ASSISTANT CITY SECRETARY

CITY OF DENTON, TEXAS