

CITY OF DENTON CITY COUNCIL MINUTES

October 20, 2015

After determining that a quorum was present, the City Council convened in a Closed Meeting on Tuesday, October 20, 2015 at 12:00 p.m. in the Council Work Session Room.

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

ABSENT: None.

- A. ID 15-1030 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's Attorneys regarding legal issues associated with the disclosure of confidential information, including those raised by legal counsel for the Freedom of Information Foundation of Texas in a letter dated August 27, 2015, by City Council members, by members of City boards and commissions and by City employees, including but not limited to, Constitutional limitations and criminal penalties, 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.

Following completion of the Closed Meeting at 1:15 p.m., the City Council convened in a Work Session.

1. Citizen Comments on Consent Agenda Items

Cody Bettis, Docunav Solutions, spoke regarding the Laserfiche awarding of a contract.

2. Requests for clarification of agenda items listed on the agenda for October 20, 2015.

Council Member Wazny asked for clarification on the Laserfiche bid proposal.

Elton Brock, Purchasing Manager, stated that the process used was a legal process. The first Request for Proposal only had one bid that was responsive to prescribed requirements. The other vendor to the Request for Proposal contacted them to see if the City was getting the best value as the comparison pricing was lower.

Melissa Kraft, Chief Technology Officer, stated that at one time Docunav was the sole source for this technology. The City was transitioning from customized tools to standard tools of which part could be done internally instead of doing out-of-house.

Mayor Pro Tem Gregory questioned if staff was satisfied that the price comparison sheet was comparing apples to apples.

Kraft presented information on the bid process.

Council Member Roden stated that he was uncomfortable with vendors coming to request new bids and was ok with leaving it on Consent.

Mayor Pro Tem Gregory asked for an explanation of Consent Agenda I in terms of savings by doing the work in-house rather than contracting it out.

Frank Payne, City Engineer, stated that staff looked at the bids which were higher than anticipated and decided that they could do it much lower in-house.

Mayor Pro Tem Gregory stated that the Public Utilities Board had questioned if doing the project in-house would require the realigning of other projects that were already in progress.

Howard Martin, Assistant City Manager, stated that fitting the project in was possible. The issue was to finish a project already started and then do this project. If it were contracted out, both projects could be done at the same time.

Mayor asked if there was a way to track the costs internally at the end of project to see how close to budget it was.

Martin stated that they could track all the costs internally and could bring costs back to Council once completed.

Council Member Hawkins asked about Consent Agenda Item A.

Chuck Springer, Director of Finance, stated that the item would allow the work to begin and when the bond sale was done in the summer the funds could be reimbursed instead of having to wait until the bonds were sold.

Council Member Briggs questioned what type of vehicles were included in Consent Agenda Item C.

Terry Kader, Fleet Manager, stated that the ordinance was a revision of the 2005 policy and covered alternative vehicles and alternative fuels.

Council Member Brigg asked if the police vehicles in Consent Agenda Item O were included in the clean emissions.

Kader stated that the sale was through a specific vendor and would look at the most efficient vehicle for the use.

Council Member Wazny asked about moving Public Hearing C ahead of the other public hearings

After discussion, Council consensus was that the first two public hearings should not take a long time and to keep the order as noted on the agenda.

Council Member Johnson asked about Consent Agenda Items X and Z in terms of the process used to determine whether an organization could use public property or not and who made the decision.

John Cabrales, Assistant City Manager, stated that the type of event determined which city department handled the request. A request would go through the Special Events Coordinator if it was to be held in a park. If the event were to be held in Williams Trade Square, it would go through Economic Development. He reviewed the various processes for approval such as what information would be needed for a street closure, permits for food trucks, public safety and emergency response plans, and cooking requests through the Fire Marshal's office. The timing of an event was also a consideration plus whether there were merchants who did not want a street closed.

Council Member Johnson asked if a request would be approved if it met all the requirements of the application specifically closing a street and using public parking. He suggested thinking about forming a committee to make decisions whether or not to allow a certain event even if it meet all requirements of the process. Think about a different decision making process to allow city property to be used.

City Manager Campbell stated that the topic was scheduled for a future Work Session.

Mayor Pro Tem Gregory questioned if part of the current decision making process involved a limit on how close the events could happen to one another.

Cabrales stated that the number of requests were not limited and that they were processed as the request came in. There had been discussions regarding high profile events happening at the same time as from a public safety prospective too many at the same time might spread resources too thin.

Council Member Roden noted that the agenda backup indicated that there were only 46 attendees the last time this event was held and felt that might be a hardship on merchants to close streets for such a small number. He questioned if there was anything in the process to move the event somewhere else in the City rather than a small event that might be a hardship on many businesses and if there was any flexibility to go back and look at other options.

Aimee Bissett, Director of Development Services, stated that staff had already looked at multiple options for the event. The parks were full and other venues had impact on neighborhoods. As part of the process Economic Development would work to customize the impact of these festivals. One requirement was a site plan on how to provide for safety. The event currently had 15 bands booked at this point in time. There was the possibility of doing a smaller footprint and not take up as many parking spaces.

Council Member Roden questioned if Consent Agenda Item B differentiated from weekdays versus weekends for noise variations.

Cabrales stated that the noise ordinance did differentiate between weekend and weekday. There may be a need to revisit whether to change the provisions of the current noise ordinance

City Attorney Burgess stated that a substitute ordinance had been handed out for Consent Agenda Item J and any motion for that ordinance should note that substitution.

Mayor Watts requested that Consent Agenda Item Q be pulled for individual consideration.

3. Work Session Reports

- A. ID 15-1039 Hold a discussion and give staff direction concerning legal issues raised by legal counsel for the Freedom of Information Foundation of Texas in a letter dated August 27, 2015, in connection with the release of confidential information by City Council members, by members of City boards and commissions and by City employees.

Council Member Wazny requested that the Council recognize David Zoltner who would like to speak on this item. Consensus of the Council was to allow Dr. Zoltner to speak.

Dr. Zoltner spoke regarding the number of Closed Sessions and how they seemed to have increased. He requested that Council do less Closed Meetings.

City Attorney Burgess stated that she had briefed Council in Closed Session regarding the issue plus it was posted for discussion by Council.

Council Member Wazny reviewed the provisions of Council Rules of Procedure Section 2-30 regarding discussion of Closed Meeting items. She felt the City did fine without the ordinance before it was approved. She would like to promote two different choices; either repeal the current ordinance and incorporate concerns into a new ethics ordinance that was being considered by the Council Ethics Committee or modify it so that it was more conducive to local government transparency. State law already had protection on the books for protection for confidential information.

Mayor Pro Tem Gregory felt that there was a need to look carefully at the current ordinance as there appeared to be some aspects of the current ordinance were too onerous. The ordinance originated from the Council Ethics Committee in 2006. The purpose was to protect the interest of the City as an organization as there was certain information that Council did not want to disclose such as real estate transactions and negotiations. He felt there was no need for criminal penalties for processes that were already on the State books and that there would be no harm at this point to repeal it. He questioned if someone violated this rule as was currently in place, how would that be addressed.

City Attorney Burgess stated that the ordinance contained a Class C misdemeanor which resided in the Municipal Court. A complaint would be filed with the prosecutor's office to initiate an investigation of the complaint.

Council Member Briggs stated that she was in favor of Option One and work on non-criminal issues with the Ethics Committee.

Council Member Roden stated that he was not sure direction had been given from Council to rewrite the ethics ordinance. He did not feel there would be harm at this point to keep it in place until a larger ethics policy/ordinance was written.

Council Member Hawkins was in favor of a review.

City Attorney Burgess stated that this was a complex issue depending on the federal and state laws already on the books. The State and Federal laws were not as broad as Denton already had.

Council Member Johnson stated that in some cases an item might need to be discussed in open session and in other cases, an item would be better discussed in Closed Session. He was in favor of an amendment to the current ordinance.

City Manager Campbell stated that there might be a case with a real estate deal and if that information was shared with the public the seller might be harmed. There was a need to recognize a balance between the issues. He was not sure if there was a need to repeal the current ordinance or amend it.

Council Member Briggs stated that she felt muzzled at times with the current ordinance and that there was a need for clarification on it in the future.

Mayor Watts stated that he did not have a problem taking out the criminal provisions and put in some type of ethics ordinance. Council could bring forward items for public discussion if they felt it was necessary.

Consensus of the Council was to consider options at a future discussion.

Council Member Wazny stated that as Chair of the Ethics Committee, she would suggest sending the issue to the Ethics Committee to meet with Legal and then bring forward an ordinance to Council for consideration. The ordinance would contain a solution that met the concerns noted today.

Mayor Watts stated that the overall direction of an ethics ordinance would need more time for discussion and he was not comfortable repealing the current ordinance with nothing else in place.

Council Member Wazny felt that the 2006 ordinance came from the Ethics Committee, so logic stated that it go back to the Ethics Committee to be studied there.

Council Member Roden preferred rather than the Ethics Committee that it be placed on an agenda for council vote.

Consensus of Council send to the issue to the Ethics Committee for a future Council vote.

- B. ID 15-958 Receive a report, hold a discussion, and give staff direction regarding potential changes to Chapter 23, Article VI of the Code of Ordinances as it relates to a change in police initiated towing and review and provide recommendation for the draft of Chapter 23 Article V of the Code of Ordinances relating to non-consent towing.

Lt. David Mays, Denton Police Department, reviewed the initial problem with non-consent towing. With no local regulations, a much larger fee would be charged and not all companies charged the same amount. Non-consent tows were not governed by the current ordinance. Non-consent towing and vehicle storage facilities were currently regulated by TDLR. In March Council asked for the formation of a task force to look into the addressing of non-consent towing. The provisions of the new ordinance were reviewed in terms of authority and duties of the Department, compliance, exclusion of governmental entities, exemptions, fees and prohibited charges. The provisions also

included photography requirement, license requirement, license terms and renewal, change in information or employment status, revocation or denial with insurance requirement, registration term and reapplication, state licensing requirement, equipment markings, notification of vehicle removal, towing restricted, service rates, towing fee schedule and a payment towing fee study.

Requirements for a vehicle storage facility included removal to a designated facility, release of vehicles from storage or impoundment, denial, suspension and revocation of a license. The allowable fees were compared to Article 5, TDRL and Dallas. Also included was a Towing Bill of Rights to be posted at paying windows and at large private parking lot facilities.

Pat Smith, member of the Task Force, stated that there needed to be a public education process to understand what the fees meant and what they didn't mean. A key feature was for a vehicle storage facility in the City's ETJ which the towing companies had a problem getting approved.

Consensus of the Council was to proceed with the ordinance.

Mayor Pro Tem Gregory suggested sending the original wish list to Council when sending the Towing Bill of Rights.

- C. ID 15-1002 Receive a report, hold a discussion, and give staff direction regarding creation of a fee ordinance governing permissible maximum fees associated with non-consent towing and the regulatory fees charged to tow companies by the City.

This item was considered with Item B.

- D. ID 15-989 Receive a report, hold a discussion, and provide staff direction regarding the City of Denton Solid Waste & Recycling Department proceeding with a proposed multi-year landfill mining capital project.

This item was not considered.

- E. ID 15-932 Receive a report and hold a discussion regarding various types of municipal debt, procedures for debt issuance, refundings and associated matters.

Chuck Springer, Director of Finance, stated that the Audit Finance Committee requested this item come to Council on how bonds worked.

Laura Alexander, First Southwest, presented information on when municipal bonds were used and the need to have specific authorization to sell debt. She reviewed General Obligation bonds which required an election and were sold by ordinance. Certificates of Obligation required a Notice of Intent to be published in newspaper before authorization. Certificates of Obligation were subject to referendum by petition for election. Contractual Obligations were used only for the acquisition of personal property. Anticipation Notes required no voter authorization or notice and could only have a maximum maturity of seven years. Revenue Bonds were secured and paid solely from certain revenues such as water, sewer and electric revenues, hotel/motel tax revenue, TIRZ revenues. Other resources available to the City included a financial advisor - First Southwest, Bond Counsel – McCall Parkhurst and Horton, an underwriter, a paying agent, a rating agency,

and an insurance provider. The City's bond ratings were AA+ and she detailed the rating factors. Bond pricing was reviewed as well as how the money flowed.

- F. ID 15-1055 Receive a report, hold a discussion and give staff direction on options related to the possible sale of debt for Denton Municipal Electric power generation facilities.

Chuck Springer, Director of Finance, reviewed the generation facility debt options.

Revenue bonds pledged City utility system revenues, could capitalize interest during construction and one year after completion. They had higher interest rates than with a property tax pledge, no notice or election required prior to sale and no ability for the City to call a binding election under state law.

Certificates of Obligation pledged property taxes and city utility system revenues, had lower interest rates, required publication of a Notice of Intent to issue, were subject to referendum by a petition signed by 5% or more of registered voters, and no ability for the City to call a binding election under state law unless a petition was received.

General Obligation bonds pledged property taxes, had restriction on capitalized interest, had lower interest rates than Revenue Bonds due to the property tax pledge, required an election on a uniform election date with a simple majority of voters to approve the bond sale.

City Manager Campbell noted that the homeless contract had been completed and staff would like to explain the differences between the new contract and one in the agenda packet.

Consensus of the Council was to return to Item 2.

- 2. Requests for clarification of agenda items listed on the agenda for October 20, 2015.

Council returned to Item 2 to discussion Consent Agenda Item S.

John Cabrales, Assistant City Manager, presented proposed changes to the contract with Item S. The agreement would be a ten year lease through 2025 with an option to renew for 10 years. Under Section 1 the language was expanded to include services for homeless individuals, not just a shelter and included prohibited uses. Section 2 intended to have a \$1 a year payment for 10 years. Section 6 dealt with alterations to the building. Page 8 contained wording for termination which would provide for 30 days as an opportunity to cure of any type of violation and if the violation could not be cured the agreement could be terminated with a 90 day notice. Section B indicated that if the City wanted to terminate without cause, 180 days written notice would be provided to vacate and also addressed compensation back to the investment made in the facility.

Council Member Johnson suggested including language in terms of a default "as long as the tenant was diligently pursuing a cure for the default".

Council Member Wazny questioned if the building would be under the City's insurance.

Cabrales stated that the organization would have to take out insurance on the property themselves.

Mayor Watts questioned who would make the decision in terms of the termination provision. He would like it to be by the Council.

City Attorney Burgess stated that the landlord was the Council unless the Council delegated to the City Manager so Council would terminate.

Mayor Watts stated that he was uneasy with the termination by landlord for any reason. He understood there was a reimbursement clause but questioned what would be a cause for termination if there were no specifics listed.

Council Member Wazny agreed that there needed to be specifics listed as Council's changed and in the future a new council might not want to continue with the contract. They needed more protection.

Mayor Watts suggested adjusting the reimbursement for the first two years instead of 100% and increase the percentage of reimbursement. The third year would be 100% reimbursement.

City Manager Campbell stated the intent was that if terminated within the first two years, the organization would get 100% of investment back.

Council Member Hawkins agreed as he wanted them to feel like they had a home. The organization would be going through a lot of work.

Larry Collister, Deputy City Attorney, stated that the City could not give a gift to them.

Council Member Johnson said it would be a termination fee, not a gift.

Mayor Watts stated that the City was prohibited by law to not give back more than the investment and questioned how that was not inconsistent with the rent for the facility.

City Attorney Burgess stated that another possibility was to add language that the City would give the tenant two years without any termination for non-cause. It could be done for cause but not for non-cause. Then follow the reimbursement schedule.

Council Member Johnson stated that it was difficult to raise money if there was no deal and worried about their ability to execute a plan with a termination option at any time. The organization could not do everything on the property in day one but the next round would take time. He felt the only item for non-cause would be for selling the property. He would suggest termination at any point after five years. Any point after five years could terminate and put in a termination fee such as 100%. Put in an amount of money instead of a percentage as some of the work would be in-kind.

Council Member Wazny felt that the City was either committed to the shelter or not. She did not have a problem with a five year minimum termination clause as the organization would be fundraising for the facility.

Council Member Roden felt that the naming of the facility might be an issue and suggested putting some sort of naming rights into the agreement. That issue could be dealt with later if needed. He questioned if the organization had expressed an interest to purchase the property.

Cabrales said they had expressed an interest to purchase the property

Collister stated that if sold, it would have to go out to bid.

Council Member Johnson asked if they could have right of first refusal.

City Attorney Burgess stated that it would have to go out to bid but that there were some exceptions to that which could be considered at a later date.

Mayor Watts stated that he had spoken with Mr. Metzler about the lease and the organization wanted to get moving to get ready for the winter. It would help him that if the City sold the building the current lease would have to be honored.

City Manager Campbell stated that he knew the organization was wanting to get on with the contract but suggested holding off until next week for approval to get all of the revisions completed.

Consensus of the Council was to take another week for completion.

Mayor Pro Tem Gregory expressed concern about provisions if housing individuals that were not safe or using facility in way that were not safe and how to correct those kinds of issues.

Collister stated that the agreement was drafted as the City being the landlord and not involved in the homeless business. The City was leasing the space which separated liability with insurance.

City Attorney Burgess stated that consideration for an amendment included a five year type of arrangement on termination, naming rights, and language about subsequent purchase of the property. Staff would refine the document and return back to Council for consideration next week.

Mayor Watts suggested trying to contact Mr. Metzler before the regular meeting to provide feedback on the Council's suggestions

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 5:30 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 15-1029 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 regarding the potential acquisition of real property interests located along both the east and west sides of Bernard St. between Eagle Drive to the north and Collins Street to the south, in the City of Denton, Texas, if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations

with a third person. Consultation with the City's attorneys regarding legal issues associated with the acquisition 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. [Eagle Substation] [ID 15-985]

- B. ID 15-911 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the Daniel Lambert Survey, Abstract Number 784, located generally at the northeast corner of Mayhill Road and Colorado Boulevard, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced 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. (Mayhill Road Widening and Improvements project - Parcel M231 -Ray Hallford, Trustee)

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

- A. ID 15-939 Support Our Troops

Mayor Watts presented the proclamation for Support Our Troops.

- B. ID 15-1045 Fire Prevention Month

Mayor Watts presented the proclamation for Fire Prevention Week.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

Mayor Watts suggested that the speakers scheduled for the end of the meeting be moved up to this portion of the agenda. Consensus of the Council was to move those speakers to the front of the agenda.

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public
 - 1. ID 15-907 Naomi Wood regarding paid parental leave for City of Denton employees: going beyond FMLA.

Ms. Wood presented information regarding additional paid parental leave for city employees beyond FMLA. She noted that paid parental leave was good for working families and that FMLA needed to be expanded as it only guaranteed that an employee could not be terminated up to 12 weeks. It was not paid leave. She requested the Council expand the City's current policy for a paid leave policy for city employees.

- 2. ID 15-931 Dawn Carlin regarding necessary improvements on McKinney between Loop 288 and Ryan High School.

Ms. Carlin spoke regarding the need to expand and improve McKinney Street. Her daughter had been struck by a vehicle while walking to Ryan High School. This had been an ongoing concern for area parents since the school was built in 1996 as there was no safe path walking to and from the school. She urged Council to work with TxDOT and get the needed improvements done as soon as possible.

- 3. ID 15-936 John Goodman regarding Quakertown Park.

Mr. Goodman stated that he had looked for information in Quakertown Park regarding the movement of citizens from that area for the development of the park. He felt there needed to be more information in the City especially in the Courthouse Museum regarding African-American history. He also suggested putting additional information in more heavily traffic areas of the Park regarding the history of Quakertown Park.

- C. Additional Citizen Reports

Tami Moral spoke regarding a zoning violation regarding the dogs next door to her. She had inaccurate police reports regarding the dogs next door and asked Council for help with her situation.

The Council considered the Speakers from Agenda Item 7.

7. 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
 - 2. ID 15-1000 Alysia Jordan regarding water bills.

Ms. Jordan stated that her neighborhood had an increase in their water bills and had experienced drastic changes in their water usage. They had contacted the City but she felt their responses had not been satisfactory. Her neighborhood needed help with their bills and the apparent problems they were experiencing.

3. ID 15-1048 Kerri Burnside regarding the Engineering Department concreting drainage ditches.

Ms. Burnside suggested a better way to handle Engineering projects when they involved the concreting of drainage ditches. She encouraged the City to hold public meetings during the design phase of projects, provide regular updates on the progress of projects, and have respect for and adherence to the concepts outlined in the Denton 2030 plan. There should be some type of oversight/monitoring of the Engineering Department. She also felt there should be some type of mitigation by the City to those impacted by City projects. A citizen's board might be formed to judge the balance of these types of projects or use the current Planning and Zoning Commission. She noted that 43 trees were lost during this project and if a developer had done this, they would have had to replace the trees.

4. ID 15-1050 Judy Smith regarding the City Engineering Department's transparency when handling drainage ditch related projects.

Ms. Smith spoke regarding the Engineering Department handling a drainage ditch project behind her church. The beautiful land behind her church was changed into a concrete ditch with a chain link fence. The church did not have any warning about the change. They did not have any help with replanting of the trees and they had costs increased due to the loss of the trees.

5. ID 15-1052 Gary Cook regarding engineering projects and the community.

Mr. Cook requested a report from the Engineering Department of how this specific case was handled and a report showing Denton would provide transparency to keep the public informed of project design, impact and progress. He suggested embracing the Denton Plan 2030, especially as it pertained to keeping Denton green. The City needed to provide mitigation to those impacted by city projects.

4. CONSENT AGENDA

Council Member Hawkins motioned, Council Member Roden seconded to adopt the Consent Agenda and accompanying ordinances and resolutions, approving the substitute ordinance for Item J and pulling Items Q and S for separate consideration. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2015-304

- A. ID 15-934 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the Electric Utility (\$57,850,000), Solid Waste (\$9,280,000), and General Government (\$27,980,000)

with Tax Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount equal to \$95,110,000; and providing an effective date. The Public Utilities Board considered the utility fund expenditures of this resolution and recommends approval (7-0).

Approved the noise exception listed below.

- B. ID 15-949 Consider a request for an exception to the Noise Ordinance for the purpose of the Brave Denton - Brave Combo Fight the Frack event sponsored by the Blackland Prairie Rising Tide. Live music will be played in Quakertown Park, located at 321 E. McKinney Street, on Tuesday, November 3, 2015, from 7:00 p.m. to 9:30 p.m. An exception is specifically requested to increase sound levels from 70 to 75 decibels. Staff recommends approval.

Ordinance No. 2015-305

- C. ID 15-953 Consider adoption of an ordinance of the City Council of the City of Denton, Texas providing for the City's adoption of the Clean Fleet Vehicle Model Ordinance proposed by the Regional Transportation Council (RTC) which is the Regional Transportation Policy Body associated with the North Central Texas Council of Governments (NCTCOG); and providing an effective date. The Committee on the Environment recommends approval (3-0).

Ordinance No. 2015-306

- D. ID 15-954 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2013-016 to prescribe updated titles and number of positions for certain classifications of Fire Department personnel; providing repealer, cumulative and severability clauses; and declaring an effective date.

Ordinance No. 2015-307

- E. ID 15-979 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the University of North Texas for internet services under Section 791.001 of the State of Texas Government Code; authorizing the expenditure of funds therefor; and declaring an effective date (File 4943-Interlocal Agreement with University of North Texas System in the three (3) year not-to-exceed amount of \$60,000).

Ordinance No. 2015-308

- F. ID 15-980 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with the City of Copperas Cove, Texas, to provide for the City of Denton purchase of a model year 2000 used Scarab Windrow Turner for the City Landfill; providing for the expenditure of funds therefor; providing a savings clause; providing an effective date (File 5894 in the amount of \$30,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-309

- G. ID 15-981 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of one (1) Bobcat Model T870 Skidsteer Loader for the City of Denton Solid Waste Department; and providing an effective date (File 5950-awarded to Bobcat Company in the amount of \$74,243.17). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-310

- H. ID 15-982 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Laserfiche Document Imaging Application upgrade to version 9.3 on the RIO Licensing Platform, software maintenance, additional licensing for Laserfiche Forms Package, and software enhancements as approved by the State of Texas Department of Information Resources (DIR) Contract Number DIR-SDD-2502; providing for the expenditure of funds therefor; and providing an effective date (File 5954-awarded to MCCi, LLC in the not-to-exceed amount of \$305,000).

Ordinance No. 2015-311

- I. ID 15-983 Consider adoption of an ordinance rejecting any and all competitive bids for the construction of the Santa Monica Water and Wastewater Improvements project for the City of Denton; and providing an effective date (Bid 5876). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-312

- J. ID 15-984 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the Country Club Mobile Home Park, Nettie Schultz Park, and Woodhaven Street Sanitary Sewer Replacements Project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (Bid 5877-awarded to the lowest responsible bidder meeting specification, Dickerson Construction Company, in the amount of \$1,002,073). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-313

- K. ID 15-986 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of two (2) Altec bucket trucks for Denton Municipal Electric which are available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 5949-awarded to Altec Industries, Inc. in the not-to-exceed amount of \$428,385.50). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-314

- L. ID 15-987 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program for the

acquisition of one (1) Frazer Type I Ambulance for the City of Denton Fire Department; and providing an effective date (File 5948-awarded to Frazer, Ltd. not-to-exceed amount of \$151,425).

Ordinance No. 2015-315

- M. ID 15-990 Consider adoption of an ordinance approving the expenditure of funds for the purchase of two (2) WEMCO Hydrogritter 12" Weir End stainless steel grit separation systems for the Pecan Creek Water Reclamation Plant, which are available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 5941-awarded to Jay Martin Company in the not-to-exceed amount of \$85,600). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-316

- N. ID 15-991 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for City of Denton utility bill printing and mailing services; providing for the expenditure of funds therefor; and providing an effective date (RFP 5815-awarded to Ancor Information Management LLC., dba Utilitec, in the three (3) year not-to-exceed amount of \$1,300,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-317

- O. ID 15-993 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of Police Vehicles for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5855-awarded to James Wood Autopark in the three (3) year not-to-exceed amount of \$1,469,716.08).

Ordinance No. 2015-318

- P. ID 15-994 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Performance Management, Compensation Management, and Learning Management Software including a three (3) year software maintenance agreement for the City of Denton Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 5827-awarded to Cornerstone OnDemand, Inc. in the not-to-exceed amount of \$322,688.40.)

Ordinance No. 2015-320

- R. ID 15-997 Consider adoption of an ordinance of the City of Denton, Texas, amending 2004-261; establishing fees to be charged for overdue books and materials for the libraries of the city of Denton, TX; to equalize said fees, update formats, and provide a uniform checkout length of time to all circulating materials; repealing all ordinances in conflict; provide a severability clause; provide for an effective date.

Ordinance No. 2015-321

- T. ID 15-1003 Consider adoption of an ordinance closing, abandoning and vacating a portion of the right-of-way on Texas Street between the northwest corner of Lot 1, Block A, East College Addition, to the East, and the Union Pacific Railroad corridor, to the West, being a 0.641 acre tract: and providing an effective date. (Abandonment of Texas Street located within the main Service Center compound)

Ordinance No. 2015-322

- U. ID 15-1006 Consider adoption of an ordinance of the City of Denton, Texas prohibiting U-turns for any vehicle travelling northbound at the 800 Block of North Loop 288; providing a repealer clause, providing a savings clause; providing a penalty of a fine not to exceed two hundred dollars (\$200) for violations of this ordinance; and providing for an effective date. The Traffic Safety Commission recommends approval (4-0).

Ordinance No. 2015-323

- V. ID 15-1007 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the west side of Bryan Street from its intersection with West Oak Street to its intersection with Scripture Street; providing a repealer clause, providing a savings clause; providing a penalty not to exceed five hundred dollars (\$500) for violations of this ordinance shall be governed by Chapter 18 of the code of ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends approval (4-0).

Ordinance No. 2015-324

- W. ID 15-1018 Consider adoption of an ordinance approving a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and Mark Hicks Transport, LLC; and providing an effective date. The Council Airport Committee recommends approval (3-0).

Approved the noise exception listed below.

- X. ID 15-1019 Consider a request for an exception to the Noise Ordinance for the purpose of the Denton Day of the Dead Festival, to be held in the Williams Trade Square parking lot and on Industrial and E. Hickory Streets, October 24, 2015, from 11 a.m. to 9 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

Resolution No. R2015-034

- Y. ID 15-1021 Consider approval of a resolution allowing Wine Squared to be the sole participant allowed to sell alcoholic beverages at the Denton Day of the Dead Festival, on October 24, 2015, 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.

Approved the noise exception listed below.

- Z. ID 15-1032 Consider a request for an exception to the Noise Ordinance for the purpose of the Goddesses of Light Music Festival, to be held in the Williams Trade Square parking lot, November 6 - 7, 2015, from Noon to 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

Resolution No. R2015-035

- AA. ID 15-1033 Consider approval of a resolution allowing Hannah's Off the Square to be the sole participant allowed to sell alcoholic beverages at the Goddesses of Light Music Festival, on November 6 - 7, 2015, 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.

Item Q was considered.

Ordinance No. 2015-319

- Q. ID 15-996 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a lease agreement between the City of Denton (Keep Denton Beautiful) and Rail Yard Partners, LTD, and providing an effective date. The Public Utilities Board recommends approval 7-0.

Mayor Watts stated that he was surprised the lease was for prime Denton space and questioned the events for Keep Denton Beautiful (KDB) to move out of the Parks and Recreation building.

Loren Barker, Keep Denton Beautiful Program Manager, stated that they had been working on this item since June of last year. Parks had other plans for building they were in and knew they had to look for other space. Based on that situation, the KBD Board decided to search for space.

Mayor Watts questioned when Parks would be taking over the building.

John Cabrales, Assistant City Manager, stated that Parks would need the building when they started to move forward with the new tennis center. Parks was also pressed for space at different facilities so there was a need for the space which could be used for Parks programming when KDB moved out.

Barker stated that KDB had been looking for space on their own without much success and engaged a broker to help. They had Real Estate, Technology Services and Legal involved in looking at options for moving.

Mayor Watts stated that it would be difficult for him to support this item as he was not comfortable with it being in prime downtown space.

Council Member Roden stated that the organization currently occupied a City location and questioned how the rent structure was determined and where money was coming from.

Barker stated that the current contract agreement paid staff's salaries and the building space was from non-profit programs. When they were looking for space they had talked with Solid Waste regarding capacity for rent.

Council Member Roden questioned what the proposed space would provide for KDB.

Barker stated that this location was adjacent to an existing city facility for fiber services. It was also a good neighborhood area where there was a lot of innovation in the area. It was a central location and accessible for transportation and was accessible to the public.

Council Member Johnson asked for a clarification on the incentive on the building as he was not a fan of another City department going into that building.

Aimee Bissett, Director of Development Services, stated that this was an incubator program with the original concept having similar options for KDB. It was a unique opportunity rather than just lease space as it was a partnership in order to create a catalyst project. The approach was to buy down the lease rate and use TIF funds to supplement the lease. Staff had discussed whether this was an appropriate place for KDB to spark redevelopment which KDB had done for several years.

Council Member Wazny felt this would be a long term anchor where other tenants might not be as long in the building.

Mayor Watts stated that one of his concerns was that the developer was given \$200,000 for the space and he did not understand the need for brokers when the City had a Real Estate Department.

Bissett noted that the broker was engaged before they looked at this space.

Council Member Roden motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "nay". Motion carried with a 6-1 vote.

- S. ID 15-998 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton a lease of property between the City of Denton, Monsignor King Outreach Center in substantially the same form as attached hereto and incorporated herein by reference, for the operation of a homeless shelter at 300 Woodrow Lane; and providing for an effective date.

Council Member Johnson motioned, Council Member Wazny seconded to table the item to a date certain of October 27, 2015. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 15-952 Consider nominations/appointments to the City's Boards and Commissions: Parks, Recreation and Beautification Board; Public Art Committee; and Traffic Safety Commission.

Council Member Briggs nominated George Neal to the Public Art Committee.

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

Resolution No. R2015-036

- B. ID 15-966 Consider approval of a resolution by the City of Denton, Texas, authorizing the City Manager to sign and submit an amendment to the 2013 and 2014 Action Plans for Housing and Community Development submitted in June 2013 and June 2014 to the U.S. Department of Housing and Urban Development; with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the Affordable Housing Act of 1990, as amended; and providing for an effective date. The Community Development Advisory Committee recommended approval unanimously.

Barbara Ross, Community Development Manager, presented information on Items B and C. Item B was an amendment to the 2013 and 2014 Action Plans. Both Action Plans included an allocation of HOME funding to the Denton Affordable Housing Corporation's (DAHC) Affordable Housing Opportunity Program (AHOP). Due to the delay in spending these funds on AHOP projects, DAHC was requesting that \$42,000 in 2013 funding and \$41,000 in 2014 funding be reallocated to the Bolivar Rental Rehabilitation project. DAHC recently purchased a six-plex at 2118 Bolivar Street and would like to use the HOME funding to renovate the property and provide affordable rental housing to low and moderate-income households.

The Community Development staff was also requesting that the funds remaining in the AHOP, after the reallocation of funds to the Bolivar Rental project, be reallocated to the City's Home Improvement Program (HIP). This amendment would provide an additional \$26,086 in funding for the HIP program and would ensure that all HOME funds were spent in a timely manner.

Item C was an amendment to the agreement with Denton Affordable Housing for the funding.

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

Ordinance No. 2015-325

- C. ID 15-972 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving the First Amendment to the 2014-15 agreement between the City of Denton and the Denton Affordable Housing Corporation; authorizing the City Manager to execute the First Amendment and to expend funds with respect to

the First Amendment; and providing for an effective date. The Community Development Advisory Committee unanimously recommended approval.

This item was considered with Item B.

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

Mayor Watts left the meeting with a conflict of interest.

6. PUBLIC HEARINGS

Ordinance No. 2015-326

- A. S15-0008 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a Specific Use Permit (SUP) for a Drive-Through Facility in a Downtown Commercial General (DC-G) zoning district and use classification. The approximately .30 acre site is generally located on the east side of South Carroll Boulevard and approximately 130 feet south of Maple Street; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S15-0008) The Planning and Zoning Commission recommended approval of this request, subject to conditions (7-0).

The Mayor Pro Tem opened the public hearing.

Aimee Bissett, Director of Development Services, stated that the proposal was for a remote ATM for Access Bank on Carroll Blvd. She reviewed the site data, zoning map, and comprehensive plan usage including the layout of the site plan. The proposed use was compatible with surrounding commercial and office development. However, there was an existing Single-Family Dwelling across Pacific Street directly in front of the proposed ATM's exit. As vehicles exit the ATM at night, their headlights would shine directly into that dwelling, possibly causing a nuisance. To mitigate this nuisance, Staff suggested reversing the traffic pattern so that vehicles would enter the site from Pacific Street and exit into the Access Bank parking area, which will require the ATM kiosk to be relocated to the east of the drive aisle. The applicant was not amenable to Staff's suggestion to reverse the traffic pattern and had provided a letter regarding the suggested change. The owner of the residence indicated that it was a rental unit and was scheduled for redevelopment as commercial property in the future. Staff's recommendation was for approval with conditions. The Planning and Zoning Commission recommended approval but did not recommend the reversal of the traffic pattern.

Kelly Morgan, architect for the proposal, spoke in favor but not in favor of the reverse of the traffic pattern.

The Mayor Pro Tem closed the public hearing.

Council Member Johnson motioned, Council Member Hawkins seconded to adopt the ordinance with the set of conditions as proposed by the Planning and Zoning Commission which did not include the change of the traffic pattern. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Mayor Watts returned to the meeting.

Ordinance No. 2015-327

- B. Z15-0022A Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from a Regional Center Commercial Downtown (RCC-D) zoning district and use classification to an Employment Center Industrial (EC-I) zoning district and use classification on approximately 1.5 acres of land generally located on the north side of Schuyler Street and approximately 450 feet west of I-35 in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z15-0022) The Planning and Zoning Commission recommended approval of this request (6-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this a rezoning from a Regional Center Commercial Downtown (RCC-D) zoning district to Employment Center Industrial (EC-I). She presented the background of the proposal, future land use map, zoning map, and considerations of the proposal. She also detailed the public notification of the proposal. The Planning and Zoning Commission recommended approval.

Lee Allison, representing the developer, was available for questions or concerns.

The Mayor closed public hearing.

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

Resolution R2015-037

- C. ID 15-985 Hold a public hearing and consider approval of a resolution by the City Council regarding four proposed sites for construction, expansion, and use of an electric power transmission /distribution substation located along both the east and west sides of Bernard St. between Eagle Drive to the north and Collins Street to the south, in the City of Denton, Texas, as part of Denton Municipal Electric's service territory.

The Mayor opened the public hearing.

Phil Williams, General Manager of DME, presented the details of the proposal. He noted that Denton Municipal Electric (DME) had identified several projects within the DME system that were critical to maintaining reliability and allowing Denton to continue to grow. Construction of the Eagle Substation was one project that was necessary. The project would consist of construction of a new substation and the rerouting of transmission and distribution lines into the new substation. The public involvement process produced multiple options. He reviewed the site options map, noting the differences among the various sites. The 911 Bernard option had a willing seller, was a larger site easier to meet code requirements, and had a limited amount of street frontage. The public involvement steps to date were presented and the open house summaries noting that there was multiple opportunities for the public to present input. The staff recommendation was to proceed with the 911 Bernard Street option (green option).

Council Member Briggs questioned why this new substation was needed and not divide the new construction between the substations on Locust and Hickory.

Williams stated that the Hickory site was limited due to the size which would not allow for expansion. The Locust site already had three transformers with no more room for an additional one. Those were two old substations and there was a need for a new station to back up those two locations and spread the load.

Council Member Wazny noted that the aerial of map of the locations showed that the blue option was heavily treed. The blue option was DME's original selection but after the second public meeting with comments from residents of the blue option, DME looked an alternative location for the substation. She questioned the total project cost.

Williams stated that this was a five year plan costing \$403 million to upgrade transmission lines and replace or build substations.

Council Member Wazny stated that one concern was that blue site was more expensive than the green site. The blue site was the most sensitive location for large trees and single family homes.

Council Member Hawkins questioned the life span of a GIS unit as compared to a regular site.

Williams stated it was close to the same 50 years.

Council Member Hawkins asked about the cost to run a GIS unit.

Williams noted that in some cases it was more cost effective but in other cases it was more expensive if it went off line.

Council Member Hawkins asked about the relocation costs.

Williams noted that at the time an offer was made, an eligible tenant would receive 42 months of rent differential for rent of a like property.

Council Member Wazny asked if due diligence was done for the rental units.

Williams stated that 911 Bernard catered to students by the semester.

Mayor Pro Tem Gregory questioned how the relocation costs were determined.

Williams stated that the amount was determined by the State in Senate Bill 18.

The following individuals spoke during the public hearing:

Kyle Goodman, 915 W. Collins, Denton, 76201 – in favor of the green option
Karoony Sirilux, 911 Fannin, Denton, 76201 – spoke in opposition
Danny Brown, 1011 Peak Street, Denton, 76201 - not in favor of the blue option
Vincent Falsetta, 202 Forest, Denton, 76209 - not in favor of the blue option
Michael Swanke, 1220 Peak, Denton, 76201 - not in favor of blue option
Dr. Ara Minassian, 1015 Peak, Denton, 76201 - not in favor of the blue option
Theron Palmer, 1700 Willowwood, Denton, 76205 - not in favor of the blue option
Asis Reza, 866 W. Collins, Denton, 76201 - opposed the 911 Bernard site
Faisal Reza, 750 W. Collins, Denton, 76201 - opposed to green site
John Reed, 1500 Kendolph, Denton, 76205 – spoke in opposition
Sam Alexander, 3219 McReynolds, Sanger, 76266 – spoke in opposition
Richard Copper, 201 Royal Oaks Court, Denton, 76210 - not in favor of blue, green or yellow site
John Littman, 111 Alan-A-Dale, Denton, 76209 - in favor of a GIS facility
Steve Stone, 6827 Freeman Road, Krum, 76249 - in favor of orange site.
Joe Bower, 1107 Peak Street, Denton, 76201 - put site on university property
Willie Hudspeth, Newton Street, Denton, - choose the option that kept more trees.

Comment Cards were submitted by:

Tonya Littmann, 111 Alan-A-Dale, Denton, 76209 – opposed
Silvia Perez, 1115 Neff, Denton, 76201 – opposed

The Mayor closed the public hearing.

Council Member Roden felt that for financial reasons, the blue option was the better option. He had serious concerns whether the neighborhood would make a comeback as some had mentioned. The green, yellow and orange options were not neighborhood patterns. He would like to preserve the neighborhood in some fashion but was concerned about it. DME and the PUB had recommended the green option. He was leaning towards green option.

Council Member Wazny stated that she had been fighting for the neighborhood for seven months. She appreciated the options presented but felt that the right thing was to recommend the green option to preserve the single family homes and neighborhood.

Council Member Hawkins stated that he was surprised about the strength of the neighborhood. He was concerned about the increased cost for the green option but would be voting for the green site.

Council Member Johnson stated that he was surprised by the comments of the landlords about their rental properties and how they wanted to preserve their properties. He appreciated the comments of the citizens.

Council Member Briggs stated that she appreciated the comments presented at the meeting. She was also advocating for the neighborhood in the blue option.

Mayor Pro Tem Gregory stated that while the blue option was the best for rate payers, he was more sympathetic to the green route after hearing comments.

Mayor Watts stated that he would not be voting for the green site. If the City wanted to do the right thing and be an innovative public utility company it needed to get on with the GIS technology. While it was expensive, there would not be the extra costs as for other substations. There were no time constraints at this time so other options could be explored that looked at all of the technology available. His reason for not voting for the green site was that it did not go far enough and did not send a message that the City and DME stood for innovation.

Council Member Briggs agreed with the Mayor's comments.

Council Member Wazny agreed with the Mayor and would include that in her motion.

Council Member Johnson did not think the GIS option would be best at Bernard and Eagle and was not in favor of that corner for a substation. He suggested pursuing the green site but not give up on a GIS option.

Council Member Hawkins stated that he was still in favor of green site with a GIS option.

Council Member Roden state that he had never seriously considered GIS as an option. He agreed with the concern for Eagle and Bernard for a site.

Williams stated that staff could talk with the willing landowners and firm up estimates for selling their property.

Mayor Pro Tem Gregory requested more information on whether it would be more economical if two were done at the same time.

Council Member Briggs stated that she would like to put to rest that the blue site was off the table.

Council Member Wazny asked if the resolution was site specific.

City Attorney Burgess stated that a motion would be to approve the green site but could also provide direction to DME to gather information on GIS and make determination of GIS at a later date. The motion would be site specific with direction to DME on GIS.

Mayor Pro Tem Gregory stated that he could not agree with the green site with a GIS due to the increase in the cost.

Mayor Watts stated that he could not vote for green site with a GIS.

Council Member Johnson stated that he would prefer to eliminate the blue site and pursue either the green or orange sites.

Council Member Wazny motioned, Council Member Briggs seconded to remove the blue site from consideration for a substation site, leave for future consideration the yellow, green and orange sites to be determined at a later date and to investigate cost and technology. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

7. PRESENTATION FROM MEMBERS OF THE PUBLIC

1. ID 15-927 Willie Hudspeth regarding City Hall.

Mr. Hudspeth spoke regarding the size of the Consent Agenda, putting speakers at the end of the meeting, and presented information concerning burial at the IOOF cemetery.

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.

Mayor Pro Tem Gregory requested a report from Human Resources on the number of personnel available for unpaid parental leave, what other cities in the region were doing and who had that type of provision.

Mayor Pro Tem Gregory asked for a report on engineering projects and lessons learned with the issue at the church.

Council Member Hawkins asked for an Informal Staff Report regarding how much water had been sold and how much people had used for July, August and September.

Council Member Wazny asked for options for the Eureka 2 Park project.

- B. Possible Continuation of Closed Meeting topics, above posted.

Mayor Watts announced that the Council would be returning to the Closed Meeting at 12:45 a.m. to consider the items listed below:

- C. ID 15-1024 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 regarding the potential lease of real property interests generally located in the 200 block of W. Hickory Street and the 100 block of S. Locust Street in the City of Denton, Denton County, Texas where deliberation in an open meeting would have a detrimental effect on the position of the Denton City Council in negotiations with a third person. Consultation with the City's attorneys regarding legal issues associated with the lease 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.

- D. ID 15-1027 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding economic development issues regarding a proposed economic development incentive agreement for Project Cartoon. This discussion shall include commercial and financial information the City Council has received from Project Cartoon, a business prospect, 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; deliberate the offer of a financial or other incentive to Project Cartoon.

The Council returned to Open Session at 1:45 a.m. and with no further business, the meeting was adjourned.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS