

# CITY OF DENTON CITY COUNCIL MINUTES

July 18, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, July 18, 2017 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

## 1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda items.

## 2. Requests for clarification of agenda items listed on the agenda for July 18, 2017.

Staff responded to Council requests for clarification of the following items:

Council Member Gregory – Consent Agenda Items 5B and 5E  
Council Member Briggs - Pull Consent Agenda Item 4D for separate consideration;  
Consent Agenda Item 4I  
Mayor Pro Tem Bagheri – Consent Agenda Item N

## 3. Work Session Reports

### A. ID 17-884 Receive a report, hold a discussion, and give direction to staff and Springsted / Waters on the City Attorney recruitment process.

Chuck Rohr, Springsted/Waters, presented information on a brochure for Council approval and the proposed interview process for the City Attorney recruitment process.

Consensus of the Council was to move forward with the documents.

Carla Romine, Director of Human Services, presented a tentative time line and interview process.

Council discussed whether to have community involved in the process; to include trial experience with the applications; conduct the search similar to the auditor position; and to find a way to incorporate the public into the process. Staff would incorporate these into recommendations for Council future consideration.

### B. ID 17-831 Receive a report; hold a discussion, and give staff direction regarding the preliminary FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Chuck Springer, Director of Finance, stated that he would be reviewing two budgets recommended by the Public Utilities Board.

Water Utilities – Springer presented information on Water utilities assumptions; cost containment strategies; future risks and mitigation; five year forecast; budget highlights; Capital Improvements projects; rate comparisons with other cities; and options.

Wastewater Utilities – Springer presented information on budget assumptions; budget highlights; five year forecast; and options. He also presented a drainage summary five year forecast along with Capital Improvement projects, and comparison of rates.

Council discussed working with Community Development for grants for infrastructure projects.

- C. ID 17-761 Receive a report; hold a discussion, and receive departmental presentations in preparation for the FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Parks and Recreation - Emerson Vorel, Director of Parks and Recreation, presented information on the Parks fund in terms of General Fund FTEs; organizational chart; accomplishments; goals for 2017-18; current performance measures; proposed performance measures; cost containment strategies; completed and future process improvements; and budget highlights.

Recreation Fund - Vorel continued with the recreation fund highlights and budget highlights.

Parks and Recreation Miscellaneous Funds – Vorel stated that this fund included the three mitigation funds; the park land dedication fund and the Parks Gas Well fund.

Internal Audit - Craig Hametner, Internal Auditor, presented goals and accomplishments; performance measures; cost containment strategies; process improvements; and budget highlights.

Materials Management - Karen Smith, Purchasing Agent, presented the department's organizational chart; business units and functional areas; accomplishments and goals; current and proposed performance measures; process improvements; and budget highlights.

- D. ID 17-846 Receive a report, hold a discussion, and give staff direction regarding two programs recommended by the City's 2017 Leadership Excellence and Enhancement Program (LEEP) participants: Document Denton and a Volunteer Impact Program (VIP).

Document Denton - Tyler Hurd presented the details of the Document Denton program. Objective of the program which was a local municipal archive in the Library system and reviewed an implementation plan.

Council discussed looking at possible grant funding for the program and expressed support for the project.

Council consensus was to move forward with the first two phases of the project.

Volunteer Impact Program - Tiffany Thomson presented the details of the proposed program which would allocate number of hours for employees to volunteer in the community. She noted details

on how the program would work, that an in-need survey had been performed; program investment; and expectations.

Consensus of the Council was to move forward with the program.

- E. ID 17-883 Receive a report, hold a discussion, and give staff direction regarding the schedule of Water Rates for Water Taps and Meter Fees.

Kenny Banks, General Manager of Utilities, presented the history of the fire sprinkler taps; staff responses to the proposed language; specifics of water taps with meters fee; specifics of water meter fees; specifics of water meter relocations; specifics of water line taps; and specifics for installations not listed.

Consensus of the Council was to move forward with the red line changes and draft an ordinance for council consideration.

- F. ID 17-910 Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations.

Bryan Langley, Deputy City Manager, presented a follow-up on the Charter Committee recommendations and reviewed the background information on the meetings of the Committee. Seven charges were presented to the Committee - districts, terms, district residency, recall percentage, city auditor, ethics and stipend.

Charges needing direction included:

Charge #4 - Recall Petition - Council discussed changing the percentage of the signature requirement from 25% to 35% and tying the percentages into the district where recall would take place.

Consensus was to follow the committee recommendation.

Charge #5 - City Auditor

Consensus was to follow the committee recommendation.

Charge #6 -Ethics- Council discussed a preference to the model city charter; to include both city employees and Council; whether to put the recommended language in the Charter or to have an accompanying ordinance.

Consensus was to have Council send information to Langley in terms of preferences to have specifics in the Charter, in an ordinance or both. An additional meeting would be needed on this charge.

Charge #7 - salary or stipend - Council discussed their preference on the amount and type of a salary or stipend.

Consensus was to follow the committee recommendation.

- G. ID 17-920 Receive a report, hold a discussion, and provide staff direction regarding a lighting maintenance agreement for the Texas Department of Transportation's 35Express project.

Chad Allen, Capital Projects Program Engineer, presented the details regarding the lighting system along I35. Staff needed direction from Council on their preference for continuous lighting or minimum standards lighting. The safety lighting versus continuous lighting provisions were noted.

Consensus of the Council was to proceed with the continuous lighting.

Following the completion of the Work Session, 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 17-922 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 potential purchase of certain real property interests out of the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, being a 0.344 acre tract generally located in the 2200 block of Scripture Street, Denton, Texas. 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. (Bonnie Brae Street - North (Phase 5) - Parcel 30 (Cooke))

- B. ID 17-942 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive information from staff, and discuss, deliberate and provide direction to staff regarding the future plans for, and current and future operations of, the Gibbons Creek Steam Electric Station owned by the Texas Municipal Power Agency (The City of Denton is a member of TMPA).

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**

1. ID 17-810 Deb Armintor regarding updating Council procedures.

Ms. Armintor spoke on updating Council procedures especially concerning individuals addressing the Council. She requested that Council eliminate the procedure indicating that a citizen could not address individual council members.

2. ID 17-829 Ahmad Rashad regarding introduction of non-profit organization to the City.

Mr. Rashad was not present when this item was considered but arrived later. Council agreed to allow him to make his presentation.

Mr. Rashad spoke regarding Power 77 Radio which was an on-line radio station. He was working towards developing a radio studio to assist young people in the radio business and would be happy to work with the City on any City events.

3. ID 17-833 Bob Clifton regarding a Texas Open Records request.

Mr. Clifton was not present.

Additional Citizen Reports – Open Mic

1. Robert Donnelly expressed his opinion regarding the providing of a salary/stipend for city council members. It was an item scheduled for a possible Charter election.
2. Chris Martin informed the Council of the work the Denton County Veterans Coalition did and of an upcoming event for veterans regarding various programs available to them.

## **4. CONSENT AGENDA**

Mayor Watts noted that Item 4D would be pulled for separate consideration.

Mayor Pro Tem Bagheri motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of 4D which would be considered separately. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-192

- A. ID 17-816 Consider adoption of an ordinance approving an Interlocal Cooperation Agreement between the City of Denton, Texas and the City of Irving, Texas to provide for the Cities to transfer ground mulch between Cities when available and needed, and to provide emergency landfill and equipment support to one another as appropriate, when needed.

Resolution R2017-025

- B. ID 17-830 Consider approval of a resolution approving the issuance of Revenue Bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society in an aggregate principal amount not to exceed \$5,100,000; recognizing that the City of Denton is not responsible for issuing the Revenue Bonds and has no financial obligation to pay any principal of or interest on the Revenue Bonds; making certain findings in connection therewith; and providing an effective date.

Approved the minutes listed below.

- C. ID 17-842 Consider approval of the minutes of June 13, June 20, June 27, and June 30, 2017.

Ordinance No. 2017-194

- E. ID 17-865 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc. (TNP), amending the contract approved by the City Manager on April 10, 2017, in the not-to-exceed amount of \$93,500, to provide additional engineering and surveying services related to the Hickory Creek Road West-FM 2181 to Riverpass Drive project; providing for the expenditure of funds therefor; and providing an effective date (File 6427-providing for an additional expenditure amount not-to-exceed \$39,800 with the total contract amount not-to-exceed \$133,300).

Ordinance No. 2017-195

- G. ID 17-867 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of a Universal Laboratory Fingerprint Imaging System with ImaQuest copyrighted software, for the City of Denton Police Department; Horiba Instruments Incorporated/SPEX Forensics Division is the proprietary vendor for ImaQuest software and the Identquest Image Documentation Program therefore this system is available from only one source; and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 6476-awarded to HORIBA Instruments Incorporated/SPEX Forensics Division in the not-to-exceed amount of \$56,405).

Ordinance No. 2017-196

- H. ID 17-873 Consider adoption of an ordinance releasing, abandoning and vacating a 2.056 acre public drainage easement granted to the City of Denton, Texas by Wynne/Jackson Lakes Development LP., a Texas limited partnership on May 25, 2005 and recorded as Instrument No. 2005-85937 in the Real Property Records of Denton County, Texas,; providing for severability and an effective date. [Abandonment of drainage easement for the development of Country Lakes North Phase 3A1 & 3B lots]

Ordinance No. 2017-197

- I. ID 17-875 Consider adoption of an ordinance releasing, abandoning and vacating a 0.083 acre electric easement granted to the City of Denton, Texas, by Alex Williams on October 11, 1956 and recorded in Volume 426 Page 97, Deed Records, Denton County, Texas, and located in Block 20 of the Original Town of Denton, Denton County, Texas; providing for severability and an effective date. [111 South Austin Street (Wells Fargo parking area), removal of easement encumbrance]

Ordinance No. 2017-198

- J. ID 17-878 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Fred Moore Day Nursery School for the purpose of general expenses to operate the school; providing for the expenditure of funds therefor; and providing for an effective date. (\$275)

Ordinance No. 2017-199

- K. ID 17-882 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Parks Foundation for the purpose of Scholarships; providing for the expenditure of funds therefor; and providing for an effective date. (\$275)

Ordinance No. 2017-200

- L. ID 17-904 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 Denton County for the County to provide Property Tax Billing and Collections Services for the City of Denton; providing a savings clause; and providing an effective date.

Ordinance No. 2017-201

- M. ID 17-915 Consider adoption of an ordinance of the City of Denton, Texas amending certain provisions of Chapter 26 of the Denton code of ordinances, specifically Section 26-2 to provide for clarification of the means of gaining access to a premises needed by utility employees; providing for a severability clause, savings clause, and an effective date.

Ordinance No. 2017-202

- N. ID 17-923 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale by and

between Lisa Cooke ("Owner"), and the City of Denton, Texas ("City" or "Buyer"), regarding the sale and purchase of fee simple to an approximately 0.344 acre tract, more or less, situated in the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, for the purchase price of Two Hundred Twenty Eight Thousand Dollars and No Cents (\$228,000.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date. (Bonnie Brae Street Widening and Improvements project - North (Phase 5) - Parcel 30 (Cooke - 2291 Scripture Street))

Council considered Item D.

Ordinance No. 2017-193

D. ID 17-864 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for Architectural and Design services relating to the Hickory Substation Gas Insulated Substation (GIS) Equipment Building and Screening Wall, and the Eagle Substation Gas Insulated Substation Equipment Building; providing for the expenditure of funds therefor; and providing an effective date (File 6483-awarded to Kirkpatrick Architecture Studio in the not-to-exceed amount of \$616,700). The Public Utilities Board recommends approval (4-0).

Council Member Briggs recused herself from deliberation/vote on this item.

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

Council Member Briggs returned to the meeting.

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

A. ID 17-556 Consider appointing a Nominating Committee to recommend appointees to serve on the Economic Development Partnership Board.

Caroline Booth, Director of Economic Development, reviewed the background of the makeup of the nominating committee which required two council members and one Chamber of Commerce member. The Chamber had chosen Joey Hawkins as its member. Council Member Hudspeth and Mayor Pro Tem Bagheri expressed an interest in serving.

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

Ordinance No. 2017-203

- B. ID 17-807 Consider adoption of an ordinance repealing Ordinance No. 2003-258, and subsequent amendments of Ordinance No. 2011-042, Ordinance No. 2014-009, Ordinance No. 2015-074, and Ordinance No. 2016-249, relating to the creation, appointments, and duties of the Economic Development Partnership Board (the "Board") and replacing these ordinances with this ordinance clarifying the qualifications and limitations of Board members and amending the Denton Code of Ordinances, Chapter 2, Article IX; and providing for repealer and conflicts clauses and an effective date.

Caroline Booth, Director of Economic Development, presented the background information on the changes proposed in the ordinance and noted the proposed changes.

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

Ordinance No. 2017-204

- C. ID 17-741 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the excavation and construction of Landfill Cells 3B, C, and D at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 6395C-awarded to Hammett Excavation, Inc. in the not-to-exceed amount of \$3,476,092.84). The Public Utilities Board recommends approval (5-0).

Ethan Cox, Director of Solid Waste, presented an overview of the landfill facility, status of existing cells, proposed cell development and requests for proposal.

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

- D. A17-0001c Conduct the first of two readings of an ordinance of the City of Denton voluntarily annexing approximately 118.041 acres of land, generally located north of McKinney Street and west of Trinity Road; providing for a correction to the city map to include the annexed lands; providing for a savings clause and an effective date.

Ron Menguita, Long Range Planning Administrator, presented the background on the voluntary annexation and read the ordinance caption into the record.

No action was needed on this item at this time.

- E. A17-0004c Conduct the first of two readings of an ordinance of the City of Denton for an involuntary annexation of approximately 6.71 acres of land, generally located

north of Brush Creek Road and east of Fort Worth Drive by the City of Denton, Texas; providing for a savings clause and an effective date.

Ron Menguita, Long Range Planning Administrator, presented the details of the involuntary annexation which was the first reading of the ordinance. He included the proposed development, schedule for annexation and read the ordinance caption into the record.

No action was needed on this item at this time.

Ordinance No. 2017-205

- F. ID 17-916 Consider adoption of an Ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute an Advanced Funding Agreement, in a form substantially similar as attached hereto as Exhibit 2 and in the approximate amount of \$2,824,714.59 (amount to be finalized after bids are opened), by and between the State of Texas, acting through the Texas Department of Transportation (the "State") and the City of Denton (the "City"), regarding water and wastewater utility improvements associated with the FM 2181 roadway widening project, located between FM 2499 and Lillian Miller Parkway and within the City of Denton.

Chad Allen, Capital Projects Program Engineer, presented information concerning an advanced funding agreement with TxDOT. He noted the details of the proposal that dealt with FM 2181 and involved utility relocations.

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

**6. PUBLIC HEARINGS**

Ordinance No. 2017-206

- A. Z17-0002d 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 Residential 1 (RCR-1) zoning district and use classification and a Regional Center Commercial Downtown (RCC-D) zoning district and use classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 29 acres of land generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road 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. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0002)

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, presented information on the request for the change in zoning on property at the corners of Lakeview and Shady Shores. She reviewed the site data; compatibility of the surrounding property; mobility of the area; how the proposal related to the Denton Plan; development criteria of the CM-G zoning district; and public notification. The Planning and Zoning Commission recommended approval as did staff.

The following individuals spoke during the public hearing:

Michael Clark spoke in favor.

Jackie Grooms spoke in opposition due to traffic.

Christine Hutmacher spoke in opposition.

The Mayor closed the public hearing.

Staff responded to council's questions concerning the traffic patterns and the associated roadways around the proposal.

Mayor Pro Tem Bagheri motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

## **7. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Mayor Pro Tem Bagheri requested an Informal Staff Report on the feasibility of commercial recycling.

Mayor Pro Tem Bagheri requested the Council's Personal Financial Statements and associated election financial statements be made available on the City's website.

Mayor Pro Tem Bagheri requested Council consideration of other Charter changes that were not considered by the Committee such as the length of the Public Utility Board appointments and the possibility of changing the municipal election date from May to November.

Council Member Briggs requested a review of the Council's Rules of Procedure.

Council Member Briggs requested a staff member attend the Veteran's Town Hall meeting and provide a report to Council.

Council Member Ryan requested information on the zoning for cemeteries.

Council Member Ryan requested information on a possible code update regarding movie permits and the current exclusion for home movies and home videos.

Council Member Gregory requested a Work Session on naming rights for city facilities for corporate /individual donations.

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 8:00 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS