

CITY OF DENTON CITY COUNCIL MINUTES

October 23, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 23, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, Council Member Meltzer, 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 October 23, 2018.

Staff responded to Council's requests for clarification on the following items:

Council Member Briggs- Pull Items F and K for a presentation
Mayor Pro Tem Ryan - Item K
Mayor Watts - Items K and H

3. Work Session Reports

- A. ID 18-1737 Receive a report from Board of Ethics Chair Jesse Davis, hold a discussion, and give staff direction regarding the Board of Ethics' Rules of Procedure.

Jesse Davis, Chair-Board of Ethics, presented an update on the proposed rules of procedure that the Council had requested the Board to review.

Council discussed:

- Board members asking questions of witnesses in order to affect the process
- Provision to not have complainant and complainant's representative question a witness - consider one but not both
- Provisions for the Letter of Dismissal
- Consider additional language for amendments

Consensus of the Council was to return with an ordinance reflecting the minor amendments.

- B. ID 18-1801 Receive a report, hold a discussion, and give staff direction regarding the possibility of creating a tourism public improvement district in Denton.

Zack Glenn noted the objective for a tourism public improvement district (TPID), the definition of a TPID, why Denton needed a TPID, and TPID successes in other cities.

Scott Joslove presented information on the conversion rate of proposals to actual bookings. He noted the workings of the TPID in terms of set purposes, action plan and terms of assessment.

Council discussed:

- Whether there would be a competitive edge with other cities if this TPID were formed
- Establishment of the TPID did not mean that it had to be created, only that it was an option
- Details of the conversion rate
- Makeup of the Board of Directors
- What types of hotel businesses that the TPID would apply to
- This proposal would provide more funding to allow for more bidding on conventions
- Whether it would be better to not have a district and not have to charge the extra fee per room

Glenn continued with information on how a TPID could work in Denton, estimated Denton TPID yield and how the fund would be invested, and the next steps in the process.

Council discussion included:

- Provisions for the spending of the funds in the TPID
- Council should be able to have input in how the funds were spent
- Options/restrictions on the spending of the funds in the TPID
- Funding for the TPID would not replace the funding the City provided to the CVB for marketing

Consensus of the Council was to proceed to move forward now in order to participate in the 2019 legislative session.

- C. ID 18-1524 Receive a report, hold a discussion, and give staff direction regarding a Fleet Services facility expansion to add additional service bays to the north side of the current maintenance shop at the Service Center.

Terry Kader, Fleet Services Superintendent, presented information on a proposed fleet facility expansion. He noted the condition of the current facility; 2030 projected repair capacity; considerations for projected needs; pros and cons for the expansion of the current facility; estimated cost for the expansion; five year proforma; estimated schedule for the project and options.

Council discussed:

- Percentage of public safety vehicles worked on at the facility
- Whether public safety vehicles were top priority for service
- What was included in the construction costs as the estimated cost appeared to be very high
- Whether the expansion would be able to accommodate different types of vehicles in the future
- Source of funding for the project
- Concern regarding the costs with no AC in the facility

Consensus of the Council was to proceed but consider reducing one bay and include air conditioning. Survey other facilities to determine best practices for cooling the facilities.

- D. ID 18-1742 Receive a report, hold a discussion, and provide staff direction regarding City Council priorities for upcoming work session report topics.

Bryan Langley, Deputy City Manager, noted identified Council retreat priorities and key priorities for Council. He presented information on feedback and recommendations from the August 28 and September 18 Work Sessions. He noted Council feedback and staff recommendations. Scheduled operational and general consensus topics for October and November were listed as well as December and January.

Council discussion included:

- Some members would not be present at the 11/6 meeting and the suggestion was to move several of the items listed to another meeting
- The Auditor presentation was not listed and needed to be included

Langley continued with the Work Session priority survey. The results of the survey were intended to help prioritize work session topics. He reviewed the survey results in terms of how Council prioritized the topics.

Council discussed:

- Council should consider all of the items listed
- If not more than two people were interested, an item should not be considered
- In addition to the items already on the list, the items being added each week made it impossible to have a full Work Session on each item
- Consider a point system for the items instead of a consensus of the items
- Allow for a reconsideration of a prior priority ranking at the next survey consideration
- Consider no new items until the current list was completed
- Remove items on the list that were necessary for Council consideration that were not optional
- Produce a new list every month with old and new requests from Council
- Items at the top would be worked into the upcoming Work Sessions
- Items to not be considered would come back as a Consent Agenda item for Council to formally delete the items
- Distinguish items for action and items for information

- E. ID 18-1805 Receive a report, hold a discussion, and provide staff direction regarding a potential future policy for meetings between members of the City Council and developers or groups requesting economic development incentives.

Mayor Watts questioned if the discussion was limited to meetings where developers were asking for economic incentives.

Bryan Langley, Deputy City Manager, stated that there were two separate discussions regarding either meetings with developers or meetings with groups requesting economic incentives.

City Attorney Leal noted that it would include zoning and non-zoning items.

Mayor Watts noted that the discussion needed to be broad in terms of the posting.

Langley reviewed the October 9th Council Work Session discussion. Staff recommendations were presented which included a resolution to adopt a policy.

Council discussed:

- What was the point when future development-related actions were known
- Whether phone conversations or emails were included
- Not comfortable with staff overseeing these meetings; having staff present did not make the meeting transparent
- Consider a member of Ethics Board attend the meetings instead of staff
- Consider a recording of the meeting instead of having a staff member attend a meeting
- It was good to have a better accountability of meetings but not encumber staff/board members with scheduling of those meeting
- The proposed process was too much
- Consider documenting any meeting/email as opposed to staff attending a meeting
- The issue was meeting with a developer after a vote rather than before the development was proposed
- Meeting after a vote should not be allowed and meeting before a vote should be documented
- Consider a requirement that the meetings take place at City Hall with a sign in requirement
- Prior discussion on this topic was not an ethical issue
- The proposal was relevant to before a vote on a project

Langley noted that another option was to calendar all appointments.

Council continued discussion:

- Calendaring meetings would not be limited to meetings with developers
- Make meeting notices available to the public
- Consider attaching meeting notices to a staff report
- Consider not talking with developers that had a project before Council
- Council should be able to police themselves and not have a procedure to follow
- The proposed procedure did not address situations after a vote had been taken
- Consider a survey of the public regarding the issue

Consensus of the Council was consider Option #3 with added wording "item before Council" in certain tie vote or previous consideration. Bring back as a resolution for Council consideration. Each member would take his/her own steps for documentation and if presented would be included in backup materials for the development proposal.

Mayor Pro Tem Ryan suggested moving the Closed Session items to the end of the meeting so staff would not have to wait until the Closed Session was completed. Consensus of the Council was to consider Closed Session Item B first, then move the remainder of the Closed Meeting items to the end of the meeting.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the following item:

1. Closed Meeting:
 - B. ID 18-1768 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, and appointment of an interim Municipal Judge.

Following the completion of Closed Meeting Item B, the Council convened in a Special Called Meeting.

1. PROCLAMATIONS/PRESENTATIONS

A. ID 18-1724 Resolution of Appreciation for Judge Robin Ramsay

This item was not considered.

2. CONSENT AGENDA

Mayor Pro Tem Ryan motioned, Council Member Briggs seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item F and K. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1672

A. ID 18-1672 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of Voluntary Dental and Voluntary Vision Insurance for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6826- Voluntary Dental Insurance awarded to Delta Dental Insurance Company for three (3) years, with the option for two (2) additional years in the total five (5) year not-to-exceed amount of \$6,509,000 and Voluntary Vision Insurance awarded to United Healthcare Services, Inc. for three (3) years, with the option for two additional years, in the total five (5) year not to exceed amount of \$625,600). The actual cost will be determined by the number of employees and retirees electing coverage and the level of coverage selected. The coverage for Dental and Vision is voluntary and is determined by the actual voluntary employee participation. This is a pass through cost that is paid by the employee or retiree.

Ordinance 18-1673

B. ID 18-1673 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-3553 for the supply of Online Performance Management and Learning Management Software for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 6913 - awarded to Cornerstone OnDemand, Inc., in the one (1) year not-to-exceed amount of \$71,000).

Ordinance 18-1680

- C. ID 18-1680 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal cooperation, authorizing the City Manager to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 515-16, for Holt Caterpillar (CAT) equipment repair services for the City of Denton Fleet Services Department; authorizing the expenditure of funds therefor; and providing an effective date (File 6878 - awarded to Holt Texas, LTD, for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$375,000 for all years).

Ordinance 18-1682

- D. ID 18-1682 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with James Wood Autopark, Inc., for the supply of police patrol and supervisor vehicles for the City of Denton Police Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6863 - awarded to James Wood Autopark, Inc., in the three (3) year not-to-exceed amount of \$2,100,000).

Ordinance 18-1684

- E. ID 18-1684 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a twelve month lease agreement through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-3041 with Ricoh-USA, Inc. for production printing equipment for the City of Denton Reprographics division; providing for the expenditure of funds therefor; and providing an effective date (File 6889 - awarded to Ricoh USA, Inc. in the one (1) year not-to-exceed amount of \$81,293.04).

Resolution 18-1710

- G. ID 18-1710 Consider approval of a resolution re-establishing a standing committee of the City Council of the city of Denton, Texas to be known as the Hotel Occupancy Tax (HOT) and Sponsorship Committee and assigning it additional duties; and providing an effective date.

Ordinance 18-1713

- H. ID 18-1713 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$2,500 of in-kind services and resources for the Denton County Veterans Coalition Stand Down event on Wednesday, October 24, 2018, and Thursday, October 25, 2018, at Denton Civic Center; and providing an effective date.

Ordinance 18-1714

- I. ID 18-1714 Consider adoption of an ordinance of the City of Denton, granting the Denton's Day of the Dead Festival, pursuant to section 17-20 of the Code of Ordinances, a noise exception on Saturday, October 27, 2018, from 11:00 a.m. to 9:00 p.m. at the corner of Mulberry Street and Industrial Street; granting a variance in

amplified sound levels from 70 to 75 dba for an outdoor music festival; and providing an effective date.

Ordinance 18-1715

- J. ID 18-1715 Consider adoption of an ordinance of the City of Denton, granting the Singing Oaks Church of Christ, pursuant to section 17-20 of the Code of Ordinances, a noise exception on Sunday, October 28, 2018, from 2:00 p.m. to 5:00 p.m. at South Lakes Park; granting a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

Resolution 18-1726

- L. ID 18-1726 Consider approval of a resolution allowing the Campus Theatre Concessions, LLC to sell alcoholic beverages for the Denton's Day of the Dead Festival, on Saturday, October 27, 2018, at the Williams Trade Square parking lot upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing an effective date.

Approved the minutes listed below.

- M. ID 18-1774 Consider approval of the minutes of September 25, October 1, and October 9, 2018.

Ordinance 18-1817

- N. ID 18-1817 Consider adoption of an ordinance authorizing the City Manager to execute a Water Main Cost Participation Agreement between the City of Denton, Texas and 380 Storage of Denton, LLC for the City's participation in the oversizing of water mains and in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefore; and providing an effective date. (File #6874 - In the not-to-exceed amount of \$105,679.35.)

The items pulled for individual considered were considered.

Resolution 18-1709

- F. ID 18-1709 Consider approval of a resolution repealing the City of Denton's multiple departmental sponsorship policies, reference numbers 17-050, 18-095 and 18-224; replacing the repealed sponsorship policies with one consolidated city sponsorship policy; and providing an effective date.

Council Member Briggs asked about the sponsorships at \$87,500 per year and questioned if that money was different from HOT funds. It appeared that was not addressed in the policy.

Tony Puente, Director of Finance, stated that in-kind services were not counted in the funding as no money was involved.

Mayor Pro Tem Ryan motioned, Council Member Meltzer seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "nay", Council Member

Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried with a 6-1 vote.

- K. ID 18-1719 Consider approval of a resolution repealing the City of Denton's Use of the City Hall Meeting Spaces Policy Reference Number 500.01, and repealing the Use of Conference Rooms Policy Reference Number 500.02; incorporating a Use of City Facilities and Meeting Rooms Policy Reference Number 500.06, of the City's current policies and procedures; and providing an effective date.

Charlie Rosendahl, Management Assistant, presented background information on the current policies. He noted the key points of the proposed policy and changes that were mentioned during the Work Session.

Council discussion included:

- Council community meetings and how those related to the first come, first served basis in the policy
- Where neighborhood organizations fit into the definition section
- Consider revising the language to include neighborhood organizations
- Review any possible inconsistencies with regard to alcohol usage in facilities
- Revise language regarding placement of decorations on walls
- Consider audio/visual charges for personnel present
- Reasoning for the policy addressing alcohol in the libraries

Council did not take any action on this item.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance 18-1482

- A. ID 18-1482 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with HR Green, Inc., for Engineering Development Services related to the review of development construction projects for the City of Denton, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6818 - Professional Services Agreement for Engineering Development Services awarded to HR Green, Inc., in the not-to-exceed amount of \$815,147).

Todd Estes, City Engineer, presented information on outsourcing the development review process. He noted the provisions of the agreement related to the technical review of development construction projects. The contract negotiations were presented along with the aspects of the new review model. Proposed staff changes were noted.

Council discussed:

- The role of the Development Facilitator
- The need for Engineering Services if HR Green was reviewing the proposed development plans
- Specific responsibilities of Engineering Services

- The number of people HR Green would have working at the City

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

Ordinance 18-1660

- B. ID 18-1660 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Huitt-Zollars, Inc., for Engineering Related Professional Services for the McKinney Street Widening Project, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-040 - Professional Services Agreement for Engineering Related Professional Services awarded to Huitt-Zollars, Inc. in the not-to-exceed amount of \$1,641,200).

Chad Allen, Deputy City Engineer, presented information on the contract for the final design of the McKinney Street widening project. He noted the scope of the widening and the project history.

Council discussed:

- The cost of the project was not the same as noted in the agenda caption
- Reasoning for not following the design-build process

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance with \$90,000 amount with an option to do an as built-survey. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1661

- C. ID 18-1661 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the Standard Construction Specifications Preparation as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-039 -Professional Services Agreement for the Standard Construction Specifications Preparation awarded to Kimley-Horn and Associates, Inc. in the not-to-exceed amount of \$1,008,800). The Public Utilities Board recommends approval (4-0).

Todd Estes, City Engineer, presented information on the proposed standard construction specifications preparation agreement. He noted the background for the purpose of construction specifications, what needed to be done with the project, expected outcomes, timeline to completion, and staff recommendation.

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance.

Council discussed the price of contract which seemed high compared to the scope of work.

On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "nay". Motion carried with a 6-1 vote.

Resolution 18-1741

- D. ID 18-1741 Consider approval of a resolution of the City of Denton creating an advisory committee to consider and advise City Council on disability concerns such as accessibility and accommodations; repealing Resolution 2007-030 which previously established Denton's Committee of People with Disabilities; and providing an effective date.

Mario Canizares, Assistant City Manager, provided the background information on the formation of the committee, key points of the establishment of a committee, and next steps in the process.

The following individuals spoke on the issue:

Tim Swenson, 300 W. Oak, #101, Denton - spoke in favor.

Henry Jason, 2012 Hemingway, Denton - spoke in favor.

Clay Thurmond, 1524 Snyder Street, Denton - spoke in favor.

Council Member Briggs motioned, Council Member Meltzer seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

4. CONCLUDING ITEMS

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

Council Member Briggs

- Legislative issues that the Police Department was interested in for the City's legislative program

Council Member Hudspeth

- Consider the establishment of a nonprofit outsourcing management position

Mayor Pro Tem Ryan

- Follow-up on the traffic flow plan on the Teasley/Dallas Drive small project in light of the Hwy. 377 pending construction

Council Member Armintor

- As the libraries had face time with homeless, it would be beneficial to have a representative from the Library on the Shelter Committee plus a current homeless person on the Committee
- Staff report on the Cumberland Children's Home similar to the report MHMR report on how the City could help to use the land and partner for housing needs

Council Member Meltzer

- Request a DCTA stop a Buc-ee's

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

Council returned to the Closed Meeting to consider the following:

- A. ID 18-1390 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Attorney and City Manager.

- C. ID 18-1783 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from the City's attorneys and discuss legal status, expenses and strategy in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

With no further business, the Council returned to Open Session and the meeting was adjourned.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS