

## CITY OF DENTON CITY COUNCIL MINUTES

November 13, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, November 13, 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 November 13, 2018.**

There were no requests for clarification of agenda items.

### **3. Work Session Reports**

- A. ID 18-1876 Receive a report, hold discussion, and provide direction on the Land Use Assumptions, Impact Fee Capital Improvements Plan and the Impact Fees for the 5-year update of the Water and Wastewater Impact Fee study.

Kenny Banks, General Manager of Utilities, reviewed the process and introduced John Atkins with Kimley Horn Associates who would be presenting the update.

Atkins reviewed what constituted an impact fee, the legislative basis for impact fees, assumptions, and land uses that determined the type of growth. He noted that growth required additional capacity in the form of capital programs. State requirements were presented that required impact fees to be updated every five years. Atkins continued with items that could be paid for through the impact fee program as well as those that could not be paid for through the impact fee program. The Water CCN boundary for the City was noted along with the water service area that was divided in three areas. The proposed water 10-year CIP Summary by project status was presented.

Atkins continued with the Water Impact Fee CIP cost and 10-year recoverable cost. He reviewed examples of utilization projects, utilization of existing 54-inch finished water transmission line and how impact fees were calculated. Information concerning the 2013 and 2018 recovery water impact fees was presented. Additional information was presented concerning the CCN boundary for wastewater, the 10-year land use projections, the proposed 10-year CIP for wastewater, wastewater impact fee CIP cost and 10-year renewable cost. He noted that a recoverable fee was being recommended.

Council discussion included: concern that the fees would increase the cost of housing and whether it could be recovered thru the General Fund or ratepayers; Service Area 2 was considerably higher than the other areas and what would be the effect if a new development came; whether all of the fees had to be paid all at once; provide a list of impact fees of comparably sized Texas cities;

provide estimates for the cost of impact fees for a moderately priced home; whether the city's billing system could spread the impact fee over 60 months.

After discussion regarding the proposed fee structure, the consensus of the Council was to move ahead with the public hearing with the rates recommended by staff with possible options to offset the fees for affordable housing.

- B. ID 18-1910 Receive a report, hold a discussion and give staff direction regarding Denton Development Code Subchapter 17, Conservation and Landscape Standards as well as managing the Urban Forest through the Parks and Recreation Department's new Forestry Division.

Richard Cannone, Director of Planning, presented information on an approach of managing the Urban Forest which could include an inventory of the entire Urban Forest, setting goals for clear direction, establishing methods to achieve the goals and metrics for evaluation. He reviewed the past and present background on the management of the Urban Forest in addition to the State legislation on a tree mitigation fee credit. Options for tree presentation/habitat were reviewed along with different examples of mitigation. The tree mitigation fee was noted with the actual cost at \$317 DBH and proposed fee of \$202 DBH.

Council discussion included: using the \$202 DBH tree mitigation fee; why the actual cost was not charged; how the proposal was trying to balance between cutting down a tree and replacing it.

Gary Packan, Director of Parks and Recreation, reviewed the Forestry Plan.

Council continued discussion with search for alternative funding sources that would include grants for planting trees; hold a more in depth discussion regarding street trees; developing criteria of what was considered valuable parkland.

Cannone continued with information concerning land acquisition in terms of when was it appropriate, where and type of acquisition, what was the cost, potential loss of current and future tax revenue and whether it could serve as a mitigation bank. Education, metrics and evaluation was noted along with the timeline and implementation.

Council continued discussion of tree protection requirements during construction; concern of dividing line for preservation mitigation in terms of size of the tree; whether to take into account loss of residential development versus preservation; how to use the tree fund money in preservation; review the definitions as some were similar; consider legislation to ensure that the tree fund could only be used for trees; include that the fund could not be used for employee salaries or labor; consider placing the information on the City's website for public comment.

General consensus of Council was for staff to proceed with developing the requirements.

- C. ID 18-1738 Receive a report, hold a discussion and give staff direction regarding a recommendation by the City Hall West Steering Committee on the rehabilitation and future use of City Hall West.

Charlie Rosendahl, Business Services Manager, provided background information for City Hall West. He noted the City Hall West Steering Committee recommendation for the usage of City Hall West as well as other uses the Committee discussed. The Committee's recommendation was to follow a conceptual design and conceptual business plan based on a multipurpose community cultural center with various potential uses. A conceptual design, conceptual business plan and associated cost were noted. A consultant was hired to develop a business plan with building uses flexible to accommodate as much income generating rental opportunities as possible. The assumption was that the facility would be managed by a third party and assumed a minimum of \$260,000 annual City subsidy.

Council discussion included potential staffing for the facility and amount of proposed storage.

Rosendahl stated that the Committee was seeking direction on the next steps for the future use of the building. An intermediate staff recommendation was to include funding in the FY2019-20 budget for window replacement with an estimated cost of \$320,000 which would reduce further damage to the building.

Council discussed incorporating a Veterans Hall of Fame component into the building; support for the proposal for window replacement funding; consider fixed seating rather than flex seating; consider the display of the fire truck on a lower level of importance; not in support of the project if there was not accommodation made for the old fire engine; determine if the renovation could be covered by a bond package; consider GDAC as a management choice.

Consensus of the Council was to proceed with the minor changes noted including the window replacement.

- D. ID 18-1911 Receive a report and hold a discussion regarding the history and overview of the proposed Park 7 project located on the south side of Scripture Street, between Normal Street and Bryan Street.

Julie Wyatt, Senior Planner, provided an overview of the proposed Park 7 project located on the south side of Scripture Street between Normal Street and Bryan Street.

Mayor Pro Tem Ryan asked about the notification list for residents and property owners of property located by the project as he had not received a notice for his properties.

Wyatt noted that the list was developed from the Denton Central Appraisal District. She noted that next steps included reviewing the site plan to ensure compliance with all development regulations, provide pedestrian and bicycle access route assessment comments to the applicant, review off-site improvements, and the building permit review once submitted.

Council discussed types of questions that were asked of the developer to ensure the site plan met the criteria; length of the construction; how far the widening of the sidewalks component would go; consider a flashing light option at Scripture and Oak; whether the new review platform was in place or were the plans reviewed in 2D or 3D; parking requirements for the development; ensure that there would be adequate street distance for emergency vehicles; impact fees.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 4:48 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

**1. Closed Meeting:**

- A. ID 18-1857 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss and deliberate strategies and opportunities for the City to acquire solar energy and enter into agreements regarding the same including a Power Purchase Agreement with Samson Solar Energy, LLC., and ENGIE Long Draw Solar, LLC.; receive a presentation from staff regarding public power competitive and financial matters pertaining to the purchase of solar energy; consultation with the City's attorneys regarding legal issues associated with the agreement described above where 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

- B. ID 18-1886 Deliberate regarding Real Property - Under Texas Government Code 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 potential purchase of certain real property interests out of the E. Puchalski Survey, Abstract No. 996, Denton County, Texas, in regard to a 0.472 acre tract generally located at 2293 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 - Phase 4 - Parcel 29)

Council Member Hudspeth recused himself from deliberation of this item.

- C. ID 18-1954 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

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

- D. ID 18-1985 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 the City's attorneys and provide staff and the City's attorneys with direction pertaining to the status, strategy, current

discussions with opposition, and possible outcomes of the condemnation case styled City of Denton v. Robert W. Jones, Trustee of the Jones Family Trust, Cause No. PR-2015-00509, currently pending in the Probate Court of Denton County, Texas regarding the acquisition of real property interests located in the A. Tomkins Survey, Abstract No. 1246, and the O. S. Brewster Survey, Abstract No. 56, both in Denton County, Texas, generally located in the 1800 block of Bonnie Brae Street, City of Denton, Texas; 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 Road Widening and Improvements Project: Parcel 17, Jones Family Trust)

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting at 6:25 p.m.

## **1. CONSENT AGENDA**

Mayor Pro Tem Ryan motioned, Council Member Briggs seconded to approve the Consent Agenda and accompanying ordinances and resolutions. 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.

### **Resolution 18-1798**

- A. ID 18-1798 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 State Homeland Security Program (SHSP) Grant (Grant No. 3692101) in the amount of \$24,000.00 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of October 1, 2018 through September 30, 2019; and providing an effective date.

### **Ordinance 18-1850**

- B. ID 18-1850 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Holiday Festival Association, Inc. for the purpose of 2018 Denton Holiday Lighting Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$2,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0).

### **Ordinance 18-1875**

- C. ID 18-1875 Consider adoption of an ordinance of the City of Denton, authorizing the City Manager, or his designee, to accept grant funds for the Victim Assistance Coordinator Grant (Grant No. 3632901), from the State of Texas Office of the Governor Criminal Justice Division (CJD) through the U.S. Department of Justice, in the amount of \$89,040.00; and to authorize a cash match in the amount of \$25,733.75 from the City of Denton's general fund for the period of October 1, 2018, through

September 30, 2019; authorizing the expenditure of funds thereof; and providing an effective date.

Ordinance 18-1878

- D. ID 18-1878 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving guidelines for operation of the City of Denton Home Improvement Program and eligibility criteria; authorizing expenditures up to \$100,000 for projects meeting program guidelines and criteria; ratifying and approving prior projects and contracts; and providing for an effective date.

Ordinance 18-1889

- E. ID 18-1889 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and administer a wireline crossing agreement with Union Pacific Railroad, and execute ancillary documents related thereto, for electrical wirelines over the existing railroad track at mile post 719.95; authorizing the expenditure of funds; and providing an effective date.

Approved the minutes listed below.

- F. ID 18-1895 Consider approval of the minutes of October 16 and 23, 2018.

Ordinance 18-1900

- G. ID 18-1900 Consider adoption of an ordinance of the City Council of the City of Denton, Texas calling a public hearing of the City Council on Land Use Assumptions, Water and Wastewater Capital Improvements Plan, and a proposed amendment to Impact Fees related to the possible adoption of amended Water and Wastewater impact fees in accordance with Chapter 395 of the Texas Local Government Code; requiring the City Secretary to post notice of the public hearing and to provide additional notice of the public hearing as set forth in the body of this ordinance; and providing an effective date.

Ordinance 18-1912

- H. ID 18-1912 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$5,060 of in-kind services and resources for the Downtown Denton Turkey Trot and Kids' Gobble Wobble on Thursday, November 22, 2018, at 8:30 a.m., to be held at the McKinney Street parking lot; and providing an effective date.

Resolution 18-1929

- I. ID 18-1929 Consider approval of a resolution adopting a policy informing City Council interactions with developers or persons/entities requesting any type of an incentive or special consideration while a matter is on the City Council agenda due to a tie-vote or where a request is subject to a motion for reconsideration; and providing an effective date.

Ordinance 18-1994

- J. ID 18-1994 Consider adoption of an ordinance authorizing expenditure of an additional \$100,000 in previously budgeted funds for outside counsel in the litigation styled "Michael Grim and Jim Maynard v. City of Denton, Texas," pending in the 68th Judicial District Court, Dallas County, Texas; and declaring an effective date.

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

Ordinance 18-1793

- A. ID 18-1793 Consider adoption of an ordinance of the City of Denton determining the public use, need and necessity for the acquisition of various permanent easements and temporary construction easements generally located along John Paine Road, north of Park Place Drive, and along Allred Road, from John Paine to South Bonne Brae Street, and being situated in the B.B.B & C.R.R. Survey, Abstract Nos. 158 and 159, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (The "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; and authorizing the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Allred and John Paine Road Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Paul Williamson, Real Estate Manager, presented the details on the project which involved the Allred and John Paine Road Water Transmission Project. He noted that the Public Utilities Board recommended approval.

Mayor Pro Tem Ryan motioned that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire a various permanent easements and temporary construction easements generally located along John Paine Road, north of Park Place Drive, and along Allred Road, from John Paine to South Bonnie Brae Street, and being situated in the B.B.B. & C.R.R. Survey, Abstract Nos. 158 and 159, City of Denton, Denton County, Texas, and being more particularly described in Exhibit "A" to the ordinance now under consideration, and on the overhead screens, now being displayed to the audience, all of which is for a valid public use, necessary to provide the construction, operation, and maintenance of the municipal water system improvements as part of the Allred and John Paine Water Transmission Project, a project to serve the public and citizens of the City of Denton, Texas, Council Member Duff seconded the motion. 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 18-1794

- B. ID 18-1794 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and

temporary construction easements generally located along the southbound I-35 Service Road, from US 380 (University Drive) south to the south lot line of Lot 1, Block 2 of the Caliber Collision Addition, running due east to the northbound I-35 Service Road along the western and northern boundaries of Lot 10R-2, Block A, Rayzor Ranch Town Center Addition, with US 380 being the northern boundary line, and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; and authorizing the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (HWY 380 - I-35 Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Paul Williamson, Real Estate Manager, presented the details of the project which involved the I-35 Water Transmission project. He noted that the Public Utilities Board recommended approval.

Council Member Armintor motioned that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire a various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, from US 380 (University Drive) south to the south lot line of Lot 1, Block 2 of the Caliber Collision Addition, running due east to the northbound I-35 Service Road along the western and northern boundaries of Lot 10R-2, Block A, Rayzor Ranch Town Center Addition, with US 380 being the northern boundary line, and being situated in the B.B.B. & C.R.R. Survey, Abstract No. 192, City of Denton, Denton County, Texas, and being more particularly described in Exhibit "A" to the ordinance now under consideration, and on the overhead screens, now being displayed to the audience, all of which is for a valid public use, necessary to provide the construction, operation, and maintenance of the municipal water system improvements as part of the HWY 380 to I-35 Water Transmission Project, a project to serve the public and citizens of the City of Denton, Texas, Mayor Pro Tem Ryan second the motion. 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 18-1795

- C. ID 18-1795 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, north of the old right-of-way line of Jim Christal Road, running north approximately three hundred feet (300') then east under I-35 to the northwest corner of Lot 1, Block 4 of the Rayzor Ranch South Addition and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; and authorizing



the City attorney or his designee to file Eminent Domain Proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Scripture to I-35 Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Paul Williamson, Real Estate Manager, presented the details on the project which involved the Scripture to I-35 Water Transmission Project. He noted that the Public Utilities Board recommended approval.

Council Member Hudspeth motioned that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire a various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, north of the old right-of-way line of Jim Christal Road, running north approximately three hundred feet then east under I-35 to the northwest corner of Lot 1, Block 4 of the Rayzor Ranch South Addition, and being situated in the B.B.B. & C.R.R. Survey, Abstract No. 192, City of Denton, Denton County, Texas, and being more particularly described in Exhibit "A" to the ordinance now under consideration, and on the overhead screens, now being displayed to the audience, all of which is for a valid public use, necessary to provide the construction, operation, and maintenance of the municipal water system improvements as part of the Scripture to I-35 Water Transmission Project, a project to serve the public and citizens of the City of Denton, Texas, Mayor Pro Tem Ryan seconded the motion. 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.

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

#### **Ordinance 18-1846**

- A. ID 18-1846 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of an extension and amendment to a contract for the management of the City's Stoke Denton Entrepreneur Center (RFP 6571) between the City of Denton and Hickory & Rail Ventures, LLC, until February 28, 2021; authorizing an extension and amendment to the sublease of Stoke Denton between the City of Denton and Hickory & Rail Ventures, LLC, until February 28, 2021; authorizing the City Manager or designee to execute the contract extension and amendment; and providing an effective date.

Caroline Booth, Director of Economic Development, provided the background information for the contract including the key points. She noted that HRV had met all terms of the current contract and that under the contract extension, HRV would begin reimbursing the City for use of the facility.

Mayor Pro Tem Ryan motioned, Council Member Hudspeth 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 "nay", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (6-1).

Ordinance 18-1847

- B. ID 18-1847 Consider approval of a resolution of the City Council of the City of Denton, Texas, in support of seeking legislative authority to allow the City of Denton to consider creation of a tourism public improvement district; and providing for an effective date.

Caroline Booth, Director of Economic Development, stated TPIDs were a tool to create additional funding to attract convention and group businesses to a city. The authorization of the State legislature was required for a city to be able to create a TPID. The Denton hoteliers approached city staff in October about seeking Council support to request TPID authorization. She briefed the Council on the roles of the City of Denton and THLA/local hoteliers in a TPID bill passage.

Council Member Meltzer motioned, Council Member Briggs 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 "nay", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (6-1).

Ordinance 18-1858

- C. ID 18-1858 Consider adoption of an Ordinance of the City of Denton, a Texas home rule municipal corporation ("Denton"), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement ("PPA") between Denton and Samson Solar Energy, LLC, a Delaware limited liability company ("Samson Solar"); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Samson Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

George Morrow, General Manager of Denton Municipal Electric, presented the details of the Purchase Power Agreement. He noted that the agreement involved the purchase of solar power developed by Invenergy located in northeast Texas. The delivery point was the ERCOT "North Hub" scheduled to be operational by June 2022. Garland and Bryan were also participating.

Council Member Meltzer 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", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1859

- D. ID 18-1859 Consider adoption of an Ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation ("Denton"), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement ("PPA") between Denton and ENGIE Long Draw Solar, LLC, a Delaware limited liability company ("Long Draw Solar"); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Long Draw Solar further securing the obligations of Long Draw Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

George Morrow, General Manager of Denton Municipal Electric, stated that the agreement involved the purchase of solar power proposed and developed by Engie Development located in west Texas. The delivery point was the adjacent ERCOT project node with a June 2020 delivery date.

Council Member Briggs 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.

**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 Meltzer asked that discussion on an alternative to encourage high tech entrepreneurship be added to the Work Session topic list.

Council Member Briggs thanked Gary Packan for the map showing 10 minute walk to parks.

Council Member Briggs requested a report on internal staff commenting portal.

Council Member Briggs requested a staff report on newer technology for boring under streets.

Council Member Armintor thanked staff for the press release regarding warming centers around town.

Council Member Armintor requested a staff report on what it would take to implement a sobering center similar to Houston's and San Antonio's.

Council Member Armintor requested a staff report on the possibility of establishing a citizen's tenants committee for renters in the city.

Council Member Armintor requested a proclamation for locally owned music stores.

Council Member Hudspeth asked about the possibility of establishing some kind of program to have exterior cameras in doorbells on homes.

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 7:10 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS