

## CITY OF DENTON CITY COUNCIL MINUTES

December 11, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 11, 2018 at 1:00 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, and Council Member Meltzer

ABSENT: Mayor Watts

### 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 December 11, 2018.

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

Council Member Briggs - Consent Agenda Items A, C , and D

### 3. Work Session Reports

Item B was considered.

B. ID 18-1670 Receive a report, hold a discussion, and give staff direction regarding the update to the Historic Preservation Plan and hear a presentation from the Lakota Group.

Roman McAllen, Historic Preservation Officer, presented the background on the plan update. He noted the preservation firm selection, preservation team and project scope with timeline.

Nick Kalogeresis, Lakota Group, reviewed the details of their proposal for the preservation project. They approached the plan with two phases. Phase One was state of the City in terms of analyzing the city, organizational context, and community engagement with Phase Two including the draft preservation plan with community input and a final plan for consideration. Sustainability was also a portion of the plan along with enhancing community character and incentives.

Council discussion included:

- There was a definite need for an updated city wide presentation plan
- Community character was necessary to set Denton apart from other communities
- Begin integrating future landmark districts into the preservation plan
- Include Southeast Denton in the proposal

Mayor Watts joined the meeting.

Council returned to the regular agenda order.

- A. ID 18-2004 Receive a report, hold a discussion, and give staff direction regarding an economic development incentive application from Tyson Sales and Distribution.

Caroline Booth, Director of Economic Development, detailed the incentive application from Tyson Sales and Distribution. She noted the details of the project which was an automated refrigerated distribution center and would be located in the Westpark TIRZ. Details of the incentive application were noted as well as fiscal information.

Council discussed:

- Details of the DME Economic Growth Rider
- Whether other sites under consideration had similar renewables
- Whether other sites under consideration were similar in rates
- This customer of electricity would provide a consistent stream of usage

Booth continued with details on other incentives that might be applicable to the project such as county and state incentives. Differences between this project and US Cold Storage, which Council had requested, were presented.

Council discussed:

- Whether the new 100 jobs would be locally filled or would be transfers from a different facility
- Locations of other facilities in the area
- Number of trucks entering/existing the facility per day

Booth noted some Council concern's regarding wages and hours, environmental and animal handling issues. She concluded with key points of the proposal and options with recommendations.

Council continued discussion regarding:

- Whether the minimum wage could be written into the agreement
- Whether the streets in the proposed location could handle the estimated 70 trucks in and out of the area per day
- Whether the traffic patterns could handle the proposed traffic load
- Comparison of Denton with other communities in consideration
- Consider not including the abatement in the proposal
- Hours of operation for the facility
- Whether benefits were provided for employees
- Area medium income as compared to projected wage
- Timeline for reconstruction of Jim Chrystal Road

Consensus of Council was proceed with Option 1 for the proposed incentive.

- C. ID 18-2083 Receive a report and hold a discussion regarding the University of North Texas Athletic Facilities Master Plan.

Council Members Armintor and Meltzer recused themselves from deliberation on this item.

Wren Backer, Vice President and Director of Athletics, presented UNT's master plan for North Texas Athletics. He noted completed projects in terms of upgrades, short term-term projects, and long-term projects.

Council discussed:

- The work UNT is doing with Denton Diablos
- Potential off-campus locations for some of the projects
- Public-private partnerships considerations
- Future neighborhood meetings as some of the facilities would be encroaching into the existing neighborhoods

Council Members Armintor and Meltzer returned to the meeting.

- D. ID 18-2142 Receive a report, hold a discussion, and give staff direction regarding the Solid Waste Department's Building Materials Recovery and rubble processing operations.

Ethan Cox, Director of Solid Waste, presented the business case analysis for building materials recovery and rubble processing operations. He noted the definition of a business case analysis, elements of case analysis, definitions used in the analysis, purpose and objectives, program performance, and financial overview. Information on relocation of recycling drop-off facilities was presented along with remaining challenges with rubble processing. He presented options and recommendations which included cost of service impact, and environmental impact.

Council discussion included:

- Market value of rubble
- Consider including more items for residential special pickups which might discourage illegal dumping

Consensus of the Council was to proceed with Option 1.

Mayor Watts noted that with Council approval, the Closed Meeting would be held at the end of the meeting with consideration of all other items first.

Following the completion of the Work Meeting, the City Council convened in a Special Called Meeting.

## **1. CONSENT AGENDA**

Mayor Pro Tem Ryan motioned, Council Member Meltzer seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, 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 18-1520

- A. ID 18-1520 Consider adoption of an ordinance of the City of Denton, Texas establishing a utility billing adjustments policy; providing a severability clause and providing an effective date.

Ordinance 18-1757

- B. ID 18-1757 Consider adoption of an ordinance of the City of Denton, amending Ordinance No. 2018-004 to prescribe updated titles and number of positions for certain classifications of Police Department personnel; providing repealer, cumulative, and severability clauses; and declaring an effective date.

Ordinance 18-2076

- C. ID 18-2076 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Nelson + Morgan Architects, Inc., amending the contract approved by Purchasing Staff on February 13, 2014, in the not-to-exceed amount of \$24,840, amended by Amendments 1-2 approved by Purchasing Staff and Council, said third amendment to provide additional design services of 12 service bays at Fleet Maintenance in the amount of \$139,871.88; providing for the expenditure of funds therefor; and providing an effective date (File 5497 - providing for an additional third amendment expenditure amount not-to-exceed \$139,871.88, with the total contract amount not-to-exceed \$342,819.97).

Ordinance 18-2085

- D. ID 18-2085 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 Interlocal Purchasing System (TIPS) Cooperative Program Contract # 2092415 for the replacement of the roof at 1001 South Mayhill and City Hall; providing for the expenditure of funds therefor; and providing an effective date (File 6908 -awarded to Roof Management Services, Inc., the amount of \$665,640).

Ordinance 18-2103

- E. ID 18-2103 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to the Professional Services Agreement between the City of Denton and Modern Geosciences, LLC, for the inspection of oil and gas facilities for the City of Denton, amending the contract approved by City Council on October 24, 2017, in the not-to-exceed amount of \$250,000; providing for the expenditure of funds therefor; and providing an effective date (File 6615 - providing for an additional expenditure amount not-to-exceed \$250,000, for a total contract amount not-to-exceed \$500,000).

Ordinance 18-2117

- F. ID 18-2117 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 6900 for the construction of PEC 4 Phase 1 and 2 Drainage Improvements and Elm

and Locust Water, Sewer, and Fiber Improvements from Hickory to Eagle for the City of Denton; and providing an effective date (IFB 6900).

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance 18-2072

- B. ID 18-2072 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 Underground Distribution Cables and Substation Control Cables for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6842-awarded to the lowest responsive bidder for each line item, Techline, Inc., for a five (5) year not-to-exceed amount of \$18,000,000 and Stuart C. Irby, for a five (5) year not-to-exceed amount of \$1,400,000, in a total not-to-exceed amount of \$19,400,000 for all years).

Jerry Fielder, Division Engineering Manager DME, presented the details of the contract for underground distribution cables and substation control cables. He noted the usage of the distribution cable in terms of substation related projects and CIP and revenue generating projects. The usage for the substation cable, Section B, was also presented. The details of the proposed contract was noted along with the recommendation.

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

### Resolution 18-2146

- C. ID 18-2146 Consider approval of a resolution of the City of Denton creating an anti-bullying and anti-harassment policy for all City facilities and programs; and providing an effective date.

Sarah Kuechler, Director of Public Communications, presented the background information on the proposed policy along with options.

Council discussion included:

- Training would be included in the policy
- This was not about who or what was added - it was about bullying
- Some definitions were better in a discrimination policy rather than a bullying policy

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

Ordinance 18-2028

- A. ID 18-2028 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, establishing a governance process for the City Auditor's Department for the purpose of defining the City Auditor's authority and responsibilities; providing for a repealer; providing for a severability clause; and providing for an effective date.

Umesh Dalal, City Auditor, reviewed the updated proposed governance process.

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

**3. 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

- Options for a new sign out in front of City Hall on the street side
- Update on her prior request regarding opportunity zones and proposed projects

Council Member Hudspeth

- Email regarding lack of bus service on Sundays
- Staff look into the towing ordinance in terms of disabled marked vehicles and consider a fine as opposed to towing the vehicle
- Review pedestrian traffic crossing University to get to the TWU soccer field

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

Council went into Closed Session at 4:11 p.m.

Council Member Armintor and Meltzer recused themselves from deliberation on this item.

1. Closed Meeting:

- A. ID 18-2059 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 Alexander Hill Survey, Abstract No. 623, Denton County, Texas, generally located in the 800 block of Eagle Drive, a 1.656 acre tract situated at the southeast corner of the Bernard Street / Eagle Drive intersection, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property 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 Electric Substation)

Council returned to Open Session and with no further business, the meeting was adjourned at 4:45 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