

CITY OF DENTON CITY COUNCIL MINUTES

August 7, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 7, 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 Meltzer, and Mayor Watts.

ABSENT: Council Member Armintor

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 August 7, 2018.

There were no requests for clarification of agenda items.

Council Member Armintor arrived at the meeting.

3. Work Session Reports

- A. ID 18-1198 Receive a report, hold a discussion, and give staff direction regarding potential revisions to the Code of Ordinances and the Denton Handbook for Boards, Commissions and Council Committees making all ad hoc committees and citizen task forces subject to the procedural requirements of the Texas Open Meetings Act.

Rachel Wood, Assistant to the City Manager, presented the staff report on the proposed revisions to the Code of Ordinances and the Denton Handbook for Boards, Commissions and Council Committees. She noted that Council had requested clarification on the Texas Open Meetings Act requirements for ad hoc committees and citizen task forces. The intent was that the requirements would apply to all citizen boards and ad hoc committees. The legal framework and formal application of the requirements were reviewed. Options for consideration were to take no action, apply the requirements to all boards/commissions/ad hoc committees or have the requirements apply to only specific committees.

Council discussion included:

- Not applying the provisions to ad hoc committees
- Whether to only do posting of agendas relative to the Act
- Limit the size of committees
- Whether the ad hoc committee discussions would be hampered if they could only follow a posted agenda
- Post agendas with broad enough language to allow for a variety of discussion

Consensus of the Council was to proceed with Option 2.

- B. ID 18-1269 Receive a report, hold a discussion and give staff direction regarding changes to the Downtown Reinvestment Grant Program's funding source, policy, and procedures.

Caroline Booth, Director of Economic Development, presented the staff report on the Downtown Reinvestment Grant. She noted the background of the grant provisions, procedures for current requests; eligible expenses; current review/approval process; and proposed changes.

Council discussed:

- The reasoning for the amount allowed for the grant
- Changes being made in the provision for a cap at an individual address
- Limitations on who the applicant could be
- Reasoning for including mold/asbestos abatement as allowed expenses

Booth continued with prior action/review of the funding provisions. She requested direction from Council on how to proceed and noted several options available.

Council discussion included:

- Funding to come from the TIRZ and raise the amount from \$25,000 to \$30,000
- Include language prioritizing public health and safety
- Whether changing the funding mechanism changed the boundaries of the TIF
- Extend the TIF boundaries to allow more applications for funding
- Not limit the health and safety to just asbestos and fire suppression but include other types of health and safety issues
- The grant was not originally designed to completely redo a renovation to a building and was for smaller scaled projects
- Funding should come from the TIF as those were where the projects were located
- Consider having the current Council draw the boundaries

Consensus of the Council was to proceed with Option 3 without an increase in the grant amount.

- C. ID 18-1293 Receive a report, hold a discussion, and give staff direction regarding the FY 2018-19 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Tony Puente, Director of Finance, stated this was an opportunity for additional questions from Council regarding the budget.

Council discussed:

- Where cuts would be needed to get to the effective tax rate
- Council should provide reductions in the budget in order to reduce to the effective tax rate rather than staff having to make those cuts
- Include the Thoroughfare and Mobility plans in next budget discussions along with engineering funding

- D. ID 18-1296 Receive a report, hold a discussion, and give staff direction on the composition of the City Hall West Steering Committee due to recent resignations, attendance, and quorum issues.

Mark Nelson, Director of Transportation, presented the staff report regarding the status of the City Hall West Steering Committee. He noted the number of meetings held thus far, the attendance of the members at the meetings, member resignations; members with poor attendance and options for membership on the committee. He also presented information on the three upcoming committee meetings.

Council discussion included:

- Consider reappointments for the missing members
- Reduce the number of members due to the limited number of future meetings rather than adding new members due to the learning curve of the issue
- Consider not appointing any new members
- Wrap up the committee as a whole as timing was not conducive to taking action in the near future
- Whether there were particular areas of expertise that were needed on the committee
- What the rationale was appointing new members so late in the discussion process

Consensus of the Council was to nominate new members if desired by a council member who had current vacancies.

Council and staff also discussed quorum issues and whether a discussion could be held if there was no quorum. It was noted that a staff presentation could be made but no discussion held. No additional meetings would be held beyond what was already scheduled.

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

1. Closed Meeting:

Council Member Hudspeth did not participate in the Closed Meeting discussion.

- A. ID 18-1200 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 B.B.B. & C.R.R. Company Survey, Abstract No. 192 and the E. Puchalski Survey, Abstract No. 996, Denton County, Texas, and being generally located within the 300 through 600 block range of North Bonnie Brae Street, including a 0.8123 acre tract generally located in the 2300 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 - Phase 4/5)

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 18-1184 Resolution of Appreciation for Police Chief Lee Howell.

Mayor Watts presented the proclamation for Chief Howell and presented him with a Plaque of Appreciation.

- B. ID 18-1197 Mayor's Summer Youth Jobs Program

Mayor Watts presented the proclamation for the Mayor's Summer Youth Jobs Program.

- C. ID 18-1230 Denton Farmers Market Week

Mayor Watts presented the proclamation for Denton Farmers Market Week.

- D. ID 18-1224 Emily Fowler Library Staff Heroism Day

Mayor Watts presented the proclamation for Emily Fowler Library Staff Heroism Day.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.

- B. Receive Scheduled Citizen Reports from Members of the Public

1. ID 18-1268 Layla Comeans regarding an update from Bridging Hope Ministries on homelessness.

Ms. Comeans presented a video regarding her experiences as a homeless person during an exercise in Austin.

2. ID 18-1270 Rhonda Love regarding homelessness.

Ms. Love presented information concerning her personal experience regarding a family who was homeless. She was in favor of the establishment of permanent housing for the homeless.

3. ID 18-1262 Wayne Aleshire regarding transitional housing.

Mr. Aleshire presented information regarding transitional housing for the homeless. He asked for the Council's support for their proposal for a transitional housing program.

4. ID 18-1254 Jane Piper-Lunt regarding transitional housing.

Ms. Piper-Hunt presented information on a Denton Basic Transitional Housing Project. They would also assist the City with the Empower to Employ program. She asked for the City's support for their proposal.

C. Additional Citizen Reports

Janice Hunt presented information on her former homeless situation. She expressed concern for the homeless and that there needed to be a development for them to go to.

Willie Hudspeth spoke on his definition of "white privilege". He noted the lack of African American fire fighters and why they were not hired in Denton.

4. CONSENT AGENDA

Council Member Briggs motioned, Mayor Pro Tem Ryan 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.

Ordinance No. 18-1047

- A. ID 18-1047 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 Jagoe-Public Company for Trucking Services for the delivery and removal of construction materials for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 6765- awarded to Jagoe-Public Company with a one (1) year not-to-exceed amount of \$150,000).

Ordinance No. 18-1058

- B. ID 18-1058 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the purchase of software maintenance for continued vendor technical support and software upgrades to Cartegraph Operations Management System for Public Works asset and work order software system, with Cartegraph Systems, LLC, which is the sole provider of this software. 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 5635 awarded to Cartegraph Systems, LLC, in the three (3) year not-to-exceed amount of \$249,848.64).

Ordinance No. 18-1113

- C. ID 18-1113 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for on-site tire repair and replacement services for on-road heavy-duty trucks and off-road vehicles and equipment for the City of Denton Fleet Services department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6788- awarded to Dwayne Waters, Inc. dba Briscoe Alignment & Tire, for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$310,000 for all years).

Ordinance No. 18-1179

- D. ID 18-1179 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of shoot on connectors for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6840- awarded to Texas Electric Cooperatives, Inc., in the four (4) year not-to-exceed amount of \$150,000).

Ordinance No. 18-1188

- E. ID 18-1188 Consider adoption of an ordinance of the City of Denton approving a revision to an interlocal agreement between the City of Denton and the University of North Texas for a Bike Share Pilot Program owned and administered by the University of North Texas; and providing an effective date. The Mobility Committee recommends approval (3-0).

Ordinance No. 18-1192

- F. ID 18-1192 Consider adoption of an ordinance approving an easement grant and abandonment agreement ("Agreement") regarding electric utility easement(s) by and between Rayzor Investments, Ltd., United States Cold Storage, LP, and the City of Denton, within the J. Perry Survey, Abstract Number 1040 and the Eugene Puchalski Survey, Abstract Number 996, in the City of Denton, Denton County, Texas; authorizing the City Manager to execute the Agreement; and providing an effective date. (Westpark area development planning: Paccar (Peterbilt), US Cold Storage, Rayzor Investments, and Retreat at Denton Apartments)

Resolution No. R18-1214

- G. ID 18-1214 Consider approval of a resolution appointing the nomination of an alternative member to the Board of Ethics created in the Code of Ordinances, Chapter 2, Article XI, Section 2-277; and providing an effective date.

Ordinance No. 18-1264

- H. ID 18-1264 Consider adoption of an ordinance of the City of Denton, approving an agreement with the Parks Foundation and the City of Denton, Texas to allow the Parks Foundation to raise funds on behalf of the Parks and Recreation Department; authorizing the City Manager or his designee to execute the Parks Foundation Agreement; and providing an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-1153

- A. ID 18-1153 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$31,810,000 in principal amount of Certificates of Obligation of the City of Denton; and providing for an effective date.

Tony Puente, Director of Finance, presented the staff report on the Notice of Intention to issue the Certificates of Obligation bonds. He noted the purpose of the Notice, the projects that were recommended for funding, and the next steps in the process.

Willie Hudspeth spoke that there were no funds presented for the homeless situation.

Council discussed the benefits of using COs instead of GOs.

Council Member Hudspeth 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.

- B. ID 18-1195 Consider nominations/appointments to the City's Boards and Commissions: Airport Advisory Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; Parks, Recreation and Beautification Board; Planning and Zoning Commission; Public Art Committee; Public Utilities Board; Traffic Safety Commission; and Zoning Board of Adjustment.

Jennifer Walters, City Secretary, reviewed the nominations that were provided by Council and that were noted in the backup materials.

Willie Hudspeth spoke on nominations from a prior Council which voted against a particular nomination. He questioned the number of African American nominations and women who were nominated and was in favor of diversity in the nominations.

Council Member Hudspeth motioned, Council Member Meltzer seconded to approve the nominations. 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.

6. PUBLIC HEARINGS

Ordinance No. Z18-0010a

- A. Z18-0010a Hold a public hearing and consider adoption of an ordinance to rezone approximately 0.64 acres from a Neighborhood Residential 4 (NR-4) to a Downtown Commercial Neighborhood (DC-N) District. The subject property is generally located

on the south side of East Mulberry Street, approximately 50 feet west of Wood Street, 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. (Z18-0010, People's Funeral Home Expansion, Hayley Zagurski).

The Mayor opened the public hearing.

Hayley Zagurski, Development Services, presented information on the proposed zoning change. She noted the current zoning, proposed zoning, background information on the property, the concept plan, criteria for approval, compatibility of the proposal with the surrounding area, public infrastructure in the surrounding area, notifications of surrounding area, neighborhood meeting, and recommendation of an overlay for the property. The Planning and Zoning Commission and staff recommended approval with conditions.

Council discussed parking, ingress/egress at the property and the history of the business in the neighborhood.

The following individuals spoke during the public hearing:

Johnnie Brumfield, applicant, spoke in favor
Cynthia Cochran, 2420 E. McKinney, Denton 76209 - spoke in favor
Willie Hudspeth, 623 Newton, Denton, 76209 - spoke in favor

Comment cards were submitted by:

Betty Krivin, 813 Lakey, Denton, 76205 – in support
Mable Devereau, 111 S. Crawford, Denton, 76205 – in support
Ivy Fore, 5409 Galante, Denton, 76208 – in support
Dorothy Minter, 819 Newton, Denton, 76205 – in support
Bettie McKinney, 4900 Lake Park, Sanger, 78226 – in support
Shelly Johnson, 1109 E. Hickory, Denton, 76205 – in support
Rubie Sacks, 1109 E. Hickory, Denton, 76205 – in support
Vanessa and Stanley Reed, 617 Boardwalk, Denton, 76205 – in support
Mae Shephard, 608 Chambers, Denton 76205 – in support
Aaliyan Scott, 1408 Teasley, Denton, 76205 – in support
Mary Darrough, 1408 Teasley, Denton, 87205 – in support
LaShoonda Arrough, 1408 Teasley, Denton, 76205 – in support

The Mayor closed the public hearing.

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.

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.

Council Member Briggs

- Update on Denton's designation as a monarch city
- Informal Staff report regarding library fines including when these were sent to collections
- Work Session on diversity and history of the Fire Department and scholarship possibilities

Council Member Armintor

- Staff report on the homeless situation and the possible sanctioning one or more of the homeless sites; what would be involved in providing the bare essentials for those areas
- Diversity in fire fighters with a study of what were the barriers for African American applicants

Mayor Watts

- Scheduling of the performance reviews for the Council appointees
- Include in the diversity discussion different types/statistics

- 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 8:20 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS