

# CITY OF DENTON CITY COUNCIL MINUTES

October 1, 2018

Joint Meeting of the City of Denton City Council and the Denton Independent School District Board of Trustees on Monday, October 1, 2018 at 11:30 a.m. at the Denton ISD Central Offices, 1307 N. Locust Street, Denton, Texas.

**PRESENT:** Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Armintor, Mayor Pro Tem Ryan, and Mayor Watts.

**ABSENT:** Council Member Meltzer.

Mayor Watts called the City Council portion of the meeting to order at 11:40 a.m. The Council and the Board of Trustees introduced themselves. Mayor Watts announced that a quorum of the Council was present for the meeting.

## **1. Work Session Reports**

- A. ID 18-1569 Receive a report from City of Denton staff and hold a discussion regarding the following construction projects: 1) Interstate 35 West and East, 2) U.S. Highway 377, 3) Teasley Lane including sidewalks, 4) Fulton Street, 5) Bonnie Brae Street, 6) Loop 288 and Sherman Drive.

Mark Nelson, Director of Transportation, stated that staff would provide an update on the project schedule and project components and public outreach efforts associated with the I-35E and I-35W projects, U.S. 377 project, Teasley Lane project, Fulton Street project, Bonnie Brae Street project, and Loop 288 and Sherman Drive project.

Todd Estes, Director of Capital Projects/City Engineer, stated that the Fulton Street project included roadway and utility reconstruction along Fulton Street from Oak Street to Cordell Street. Utility relocations were complete and street reconstruction was scheduled for summer 2019. Roadway reconstruction was anticipated to last 60-75 days.

Estes stated that the Bonnie Brae project included reconstruction of the roadway to a 4-lane divided roadway and storm water improvements and utility improvements/relocations from Vintage Boulevard to the south and extending north to Loop 288. The project was divided into seven phases and the target for final completion was late 2021.

Pritam Deshmukh, Deputy City Engineer, stated that the City was performing a traffic study that would assess long term traffic impacts and circulation needs for the Loop 288 & Sherman project. The study was anticipated to be completed by October 2018. He stated that they were also looking at a possible re-alignment of Long Road.

Discussion included different aspects of the construction projects.

- B. ID 18-1573 Receive a report from Denton ISD and hold a discussion regarding the future construction of Denton High School.

Jamie Wilson, Denton ISD Superintendent, introduced Gary Ryan, who was handling the construction project for the new high school.

Ryan introduced Sloan Harris, VLK Architects, who was the consultant for the new high school project. He stated that the project site was 152 acres. There was an area in the 100-year flood plain on the south end of the site. There was an ESA area on the south end of the site as well. He stated that Riney Road would be extended to Westgate. There was a gas well site located on private property that was adjacent to the project site. Project construction was scheduled to be completed by February 2022.

## **2. Concluding Items**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the DISD 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.

This item was not considered.

With no further business, the Joint Meeting with the Denton Independent School District was adjourned at 12:50 p.m.

Following the completion of the Joint Meeting with the Denton Independent School District, the City Council reconvened in a Special Called Meeting in the Council Work Session Room at City Hall, 215 E. McKinney Street, to consider the following:

**PRESENT:** Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, and Mayor Watts.

**ABSENT:** Council Member Meltzer.

## **1. Items for Individual Consideration**

- A. ID 18-1645 Hold a discussion and give direction concerning the Mayor's unwillingness to execute an ordinance adopted by Council on Tuesday, September 25, 2018 relating to a Specific Use Permit request (ID: S17-0007b) to allow for a multifamily use on a 12.37-acre site that is generally located on the east side of Brinker Road, approximately 990 feet south of South Loop 288 in the City of Denton, Denton County, Texas.

Mayor Watts noted that the agenda item indicated “give direction” but that no direction was needed as he had no intention to not to sign the ordinance. He clearly intended to execute the ordinance on Thursday but was hesitant on Friday based on several emails he had sent and received. He wanted to maintain transparency and procedures as a whole Council and not get terms and conditions outside the process. He explained why he chose not to sign the ordinance until Council had this discussion. As Council Member Meltzer was not present at the meeting he would not editorialize on the information. He read the email exchanges between Council Member Meltzer and himself along with the Denton Record Chronicle article regarding the development and possible reconsideration. He noted that he was concerned about processes being done behind the scenes. There were two other agenda items to be considered by Council – one to suspend the rules and one for a motion to reconsider. He had no agenda on whether to do or not do these items but wanted to make sure, based on facts, that the Council as a body in its entirety decided on those motions and actions.

Council Member Armintor noted that she was relieved that the Mayor was going to sign the ordinance and suggested that in the future if something similar came up, that the wording of the agenda item be different because as worded, it sent mixed messages. She noted that she had emailed the Mayor over the weekend asking him to sign the ordinance.

Council Member Duff asked for the time frame related to a reconsideration.

City Attorney Leal stated that a request was required before the next official meeting of the Council which in this case was today and had to be received 72 hours before the meeting for posting requirements.

Council Member Hudspeth stated that he did not like the motion to reconsider and it was very clear that it did not factor in actions outside the Council. He shared the same concerns of operating outside the process which was opposite to transparency.

Mayor Watts noted that the only time he had asked for a motion to reconsider was when an applicant was misrepresented at a meeting. He understood the perceived confusion regarding the posting with observation taken and noted that he would speak with Council Member Armintor outside of this meeting regarding her email to him.

- B. ID 18-1646 Consider a motion to suspend the Council Rules of Procedure relating to Motions for Reconsideration as provided in City Code, Section 2-29(g)(11) so as to allow any Council Member to make a motion to reconsider in connection with Item #18-1647.

Mayor Pro Tem Ryan questioned that if a motion to suspend the Rules of Procedure ended in a tie vote, would it die or automatically be placed on the next Council agenda.

City Attorney Leal stated that if a motion to suspend ended in tie vote, it would die was it as a parliamentary procedure motion.

Council Member Briggs motioned to postpone consideration of the item until Council Member Meltzer was present.

City Attorney Leal noted that a motion to postpone took a higher precedence than a motion to table to a date certain. His recommendation was that if Council wanted to get to Item #3, they needed to do Item #2.

Council Member Briggs motioned to postpone.

Mayor Watts stated that Council Member Meltzer would have an opportunity to address the issue outside the item remaining an active agenda item. This might be a policy discussion item but keeping it active kept the agenda item open.

Council Member Briggs withdrew her motion.

Council Member Briggs stated that confirmation of the ordinance meant that the original motion was without restrictions and that the attachment was not included.

Mayor Watts stated that the grid was attached as an exhibit.

Council Member Briggs motioned, Council Member Ryan seconded to suspend the rules.

City Attorney Leal noted that the motion was to suspend the rules as a motion for reconsideration.

Council Member Duff noted that he did not Council to become a place where people did not want to begin projects because Council changed their minds.

Mayor Watts stated that the reason the Council was here today was based on language in the newspaper, emails and the receipt of documents. He trusted the process.

On roll vote to suspend the rules, Council Member Hudspeth "nay", Council Member Briggs "aye", Council Member Duff "nay", Council Member Ryan "aye", Council Member Armintor "nay" and Mayor Watts "aye". Motion failed with a 3-3 tie vote.

- C. ID 18-1647 Consider a motion to reconsider the September 25, 2018 adoption of an ordinance approving a Specific Use Permit (ID: S17-0007b) to allow a multifamily use on a 12.37-acre site that is generally located on the east side of Brinker Road, approximately 990 feet south of South Loop 288 in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for a severability clause and an effective date. (S-17-0007a, Enclave at Denton, Hayley Zagurski).

This item was not considered.

With no further business, the meeting was adjourned at 1:45 p.m.

---

CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

---

JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS

---

JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS