

CITY OF DENTON CITY COUNCIL MINUTES

March 26, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 26, 2019, at 12:02 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, Mayor Pro-Tem John Ryan, and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

ANNOUNCEMENTS: (1) This being his last City Council meeting, Deputy City Manager Bryan Langley was thanked for his service to the City. (2) A moment of silence to honor the life of Director of Economic Development Carolyn Booth, who recently passed away.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None.

2. Requests for clarification of agenda items listed on the agenda for April 26, 2019.

- Work Session Item 3.B (ID 19-333) – Postponed and reschedule for the April 19, 2019 meeting. (Watts)

The meeting was recessed for a short break at 12:09 p.m. and reconvened at 12:14 p.m.

3. Work Session Reports

- A. ID 19-577 Provide a report, hold a discussion, and give staff direction regarding the Credit and Collection Policy of the City Utility System.

The presentation covered (1) new staff introductions; (2) operational review of customer service tied to current collections; (3) review of processes and performance levels; (4) service comparison to public and private sector utilities; and (5) changes made since last year to the credit and collections policies. Detailed were (1) modification to internal credit rating scale; (2) PLUS One Assistance Program; and (3) Pay As You Go Program.

Staff to (1) provide report on what other utilities have been doing on rate structures, deposits required for low-income families, and whether customer income captured; (2) look at how the bad debt applies, if at all, to a lowered/no deposit or waiver; (3) reason for customer increase in commercial arena while multifamily and residential have gone down; and (4) check with Interfaith Ministries on what the barriers were that caused a "no show" for a scheduled appointment when seeking financial assistance on paying bills.

City Council consensus to increase the budget by \$10,000 for the PLUS One Program. This would further assist those individuals seeking assistance from Interfaith Ministries.

The meeting was recessed for a short break at 1:41 p.m. and reconvened at 1:53 p.m.

- B. ID 19-333 Receive a report, hold a discussion, and give staff direction regarding a request from the Denton Community Market for additional financial support of \$101,191 per year.
The item was postponed to the April 19, 2019 meeting at the request of Mayor Watts.
- D. ID 19-585 Receive a report, hold a discussion, and give staff direction on McKenna Park improvements in relation to the Bonnie Brae street project.

The presentation covered (1) project goals; (2) input, desires, and direction received at the public meeting held March 18th; (3) proposed improvements; (4) development/schematic options; and (5) funding and construction summary for each option. Discussion held on need to accommodate increased usage, be it temporary or permanent fixtures. Trees are not intended to be moved. As the project gets closer to design, staff will evaluate the need for fencing in certain areas of the park as the intent is to have Bonnie Brae Street expanded to six lanes.

Possibly look at partnering with the adjacent church on sharing the parking, although likely not desired on Sunday. General consensus was to proceed with Option 5 (estimated at \$736,000), with some room for adjustments regarding parking versus additional parking which reduces the park area; return with lighting and fencing costs.

The meeting was recessed for a short break at 3:42 p.m. and reconvened at 3:51 p.m.

- C. DCA18-0009i Receive a report, hold a discussion, and provide staff direction on the Denton Development Code Update and Draft Zoning Map.

Recap of previous discussions were reviewed, covering the areas of (1) zoning map; (2) Table of Allowed Uses; (3) Use-specific Standards; (4) Overlay for (a) Rayzor Ranch and (b) Historic Districts; and (5) Development Standards, involving upcoming discussions. Discussed, in part, were (1) Subchapter 6 [Development Standards]; (2) Subchapter 7 [Subdivision Regulations]; and (3) Subchapter 8 [Definitions].

Brenda McDonald, outside Land Use Counsel, spoke on Homeowner Associations and the role on property improvements. Developer establishes the scheme of the development; and if there is a common area for the properties, then homeowner has to pay the fees. If the developer wants certain areas (common spaces/amenities) maintained, the HOA comes into play.

Discussion followed on LED lighting. There is no intention to change poles, simply just the lighting. Proposed locations where the change will start were detailed. Staff is looking at establishing lighting standards, which will be presented to City Council at some time. Discussion moved to the zoning map.

Council members were asked to let staff know if there were any identified changes to the definitions to ensure those were concise. Need to use of capitalization for definitions throughout the Code to ensure clarify when interpreting the language. The proposed draft of the Development Code will be available for public input on March 29th. Presenting to P&Z on April 10th. Two more work sessions scheduled with Council in the event there are any other questions.

- E. ID 19-660 Receive a report, hold a discussion, and give staff direction on the Downtown Design Standards.

The presentation centered on design standards in the areas of (1) stucco; (2) window glass; (3) murals; (4) historic preservation; and (5) stakeholder input - public forum feedback.

Staff will define construction barricades and propose standards and regulations; any changes would come in affect after formal adoption and not be retroactive. Staff open to including "materials list" as part of the requirement for temporary barrier, fencing; also include what rules can be applied where action is required to replace a building.

CLOSED MEETING

- 1. The City Council convened into a Closed Meeting at 4:25 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - A. ID 19-364 Deliberations Regarding Certain Public Power Utilities: Competitive Matters – Under Texas Government Code Section 551.086. Receive a presentation from staff regarding public power competitive and financial matters pertaining to the purchase of renewable energy; discuss and deliberate strategies and opportunities for the City to acquire renewable energy and enter into agreements regarding the same.
 - B. ID 19-612 Deliberations regarding Real Property – Under Texas Government Code Section 551.072; Consultation with Attorneys – Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of real property interests in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, and located generally along the south side of East McKinney Street, between Railroad Avenue and North Bradshaw Street, City of 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. (Police Department Expansion)
 - C. ID 19-683 Consultation with Attorneys – Under Texas Government Code Section 551.071(2). Consult with the City's attorneys on the status, strategy, and potential resolution of legal issues surrounding subdivision development review and approvals both generally, and specific to the Evers Way subdivision where 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.

The Closed Meeting ended at 5:53 p.m. No votes or action were taken in the Closed Meeting.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council convened in a Special Called Meeting at 5:56 p.m. in the Council Work Session Room.

PRESENT: Mayor Chris Watts, Mayor Pro-Tem John Ryan, and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

1. CONSENT AGENDA

The consent agenda consisted of Items 4.A - P. No items were pulled for individual consideration.

Council Member Meltzer moved to adopt the Consent Agenda as presented. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- A. ID 19-014 Consider adoption of an ordinance of the City of Denton approving a Rearrangement and Abandonment Agreement for gas pipelines between the City of Denton and EnLink North Texas Gathering, LP, a Texas limited partnership; providing for the payment of six hundred eighteen thousand dollars (\$618,000.00) to EnLink North Texas Gathering, LP for the rearrangement of their ("DC-101-3", "DC102", "DC400", and "DC-401-4") gas pipelines in conflict with the planned public works improvements for the new alignment of South Bonnie Brae Street, the limits of which being generally bounded between Vintage Boulevard and Roselawn Drive; authorizing the City Manager to execute the agreement; authorizing the expenditure of funds; providing a savings clause; and providing an effective date. (Bonnie Brae Widening and Improvement Project - Phase 1 - gas pipeline conflicts)

ASSIGNED ORDINANCE NO. 19-014

- B. ID 19-087 Consider adoption of an ordinance approving an agreement regarding the provision of wastewater service for Robson Ranch between the City of Denton and Robson Development, LP, a Arizona limited partnership; authorizing the City Manager to execute the agreement; and providing as effective date.

ASSIGNED ORDINANCE NO. 19-087

- C. ID 19-088 Consider adoption of an ordinance approving a Wastewater Service Agreement between the City of Denton, Petrus Investments, L.P., a Texas limited partnership, and Hillwood Investment Land, L.P., a Texas Limited Partnership, providing for the conveyance of easements from Petrus Investment, LP, to the City of Denton for construction of the Robson Ranch Wastewater Diversion Project and providing for wastewater service to Hunter Ranch for at least 800 single family equivalent capacity upon completion of the Robson Ranch Wastewater Diversion Project; authorizing the City Manager to execute the agreement; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-088

- D. ID 19-526 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Huitt-Zollars, Inc., for Professional Design Services for the McKinney Street Widening Project; amending the contract approved by City Council on October 23, 2018, in the not-to-exceed amount of \$1,641,200; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-040 - providing for an additional expenditure amount not-to-exceed \$382,600, for a total contract amount not-to-exceed \$2,023,800).

ASSIGNED ORDINANCE NO. 19-526

- E. ID 19-527 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc., for Professional Engineering Services for the West Hickory Street Drainage, Paving and Sidewalks Project; amending the contract approved by City Council on October 16, 2018, in the not-to-exceed amount of \$167,500; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-043 - providing for an additional expenditure amount not-to-exceed \$90,300, for a total contract amount not-to-exceed \$257,800).

ASSIGNED ORDINANCE NO. 19-527

- F. ID 19-530 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the TXMAS Cooperative Purchasing Network Contract Number 17-8407 for the acquisition of footwear for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 6982 - awarded to Red Wing Shoes in the four (4) year not-to-exceed amount of \$400,000).

ASSIGNED ORDINANCE NO. 19-530

- G. ID 19-582 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Nelson Espinoza, a Sole Proprietorship dba S.E.D. Referee's, for the supply of certified adult and youth sports officiating services; providing for the expenditure of funds therefor; and providing an effective date (IFB 6967- awarded to Nelson Espinoza, a Sole Proprietorship dba S.E.D. Referee's, in the three (3) year not-to-exceed amount of \$196,500).

ASSIGNED ORDINANCE NO. 19-582

- H. ID 19-584 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 6 to the contract between the City of Denton and Zachry Construction, Inc., for the Mayhill Roadway Improvements Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 6389 - Change Order No. 6 in the not-to-exceed amount of \$137,836.23, for a total contract award aggregated to \$35,490,677.81).

ASSIGNED ORDINANCE NO. 19-584

- I. ID 19-592 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, Incorporated for providing aid to the City of Denton Police Department in the investigation of child abuse cases; providing client and clinical services to victims of child abuse and non-offending family members; providing for the expenditure of funds in the amount of \$153,471.00; and providing for an effective date.

ASSIGNED ORDINANCE NO. 19-592

- J. ID 19-602 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and RPS Infrastructure, Inc., amending the contract approved by City Council on September 18, 2018, in the not-to-exceed amount of \$2,031,479.50, said first amendment to provide engineering and design services relating to the Bonnie Brae Phase 6 ~ University (US 380) to Loop 288 street improvement project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-032 - providing for an additional first expenditure amount not-to-exceed \$397,760, for a total contract amount not-to-exceed \$2,429,239.50).

ASSIGNED ORDINANCE NO. 19-602

- K. ID 19-603 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 fiber optic cable for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6885 - awarded to Taihan Fiberoptics America, Inc., in the three (3) year not-to-exceed amount of \$675,000).

ASSIGNED ORDINANCE NO. 19-603

- L. ID 19-604 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute contracts for the purchase of Law Enforcement Uniforms and Accessories for the Denton Police Department in accordance with an Interlocal Cooperative Purchasing Agreement with the City of Frisco, Bid #1804-060, under the Texas Local Government Code, section 271.102; authorizing the expenditure of funds therefor; and declaring an effective date (File 7003 - awarded to Galls, LLC and C&G Wholesale, in the five (5) year not-to-exceed amount of \$1,000,000).

ASSIGNED ORDINANCE NO. 19-604

- M. ID 19-605 Consider adoption of an ordinance of the City of Denton, 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-3837 for the acquisition of Apple branded products and services and DIR-TSO-3373 for Microsoft Surface line of products accessories with CDW Government, LLC; providing for the expenditure of funds therefor; and providing an effective date (File 7046 - awarded to CDW Government, LLC, in the three (3) year not-to-exceed amount of \$600,000).

ASSIGNED ORDINANCE NO. 19-605

- N. ID 19-606 Consider adoption of an ordinance of the City of Denton, 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-4092 with SHI-Government Solutions, Inc., for the acquisition of Microsoft software products and related services, and DIR-TSO-3984 Software Products and related services; providing for the expenditure of funds therefor; and providing an effective date (File 7047 -awarded to SHI-Government Solutions, Inc., in the three (3) year not-to-exceed amount of \$600,000).

ASSIGNED ORDINANCE NO. 19-606

- O. ID 19-610 Consider adoption of an ordinance of the City of Denton, approving an agreement with the Denton Animal Support Foundation and the City of Denton to clarify the roles and responsibilities of each party; to allow the Denton Animal Support Foundation to raise funds and support programming for the Denton Animal Shelter; authorizing the City Manager or his designee to execute the Denton Animal Support Foundation Agreement; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-610

- P. ID 19-655 Consider approval of a resolution of the City of Denton supporting both Senate Bill 1156 and House Bill 2920 which were recently introduced in the 86th Texas Legislature, that would require the Texas Railroad Commission to hold public hearings on certain gas well permit applications; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-655

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. HL19-0002a Consider approval of a resolution of the City Council of the City of Denton, Texas approving an application for a historically significant site tax exemption for the property at 2400 North Bell Avenue, in accordance with Chapter 10, Article VII, Sections 10-131, (4) and 10-134 of the Denton Code of Ordinances. (HL19-0002, Roman McAllen).

ASSIGNED RESOLUTION NO. 19-HL19-0002a

There was no presentation on the item.

Council Member Briggs moved to adopt the item as submitted. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

4. CONCLUDING ITEMS

- (1) Report on weatherization program; and (2) LED write up on the Friday Report. (Briggs)
- (1) Report on how other municipalities handle HOAs and restrict raising fees. (Armintor)
- (1) Report on plastic to fuel alternatives available for plastic recycling and if tracked economically and environmentally; and (2) implement a public suggestion box where the city can save money and increase efficiency; with this being the first suggestion. (Meltzer)
- (1) On the LED report, include the environmental impact of LEDs once discarded. (Hudspeth)

The meeting was recessed at 6:02 p.m. as the remaining item could not be heard until 6:30 p.m. as that was the time it was noticed in the newspaper. The meeting was reconvened at 6:32 p.m.

3. PUBLIC HEARINGS

- A. AESA18-0002a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, partially amending Ordinance 2016-215, to approve an amended Alternative Environmentally Sensitive Area Plan with conditions on two portions thereof; specifically, to restore Upland Habitat on approximately 0.23 acres, generally located on the west side of Harbour Mist Trail, approximately 240 feet north of Del Rey Drive, in the City of Denton, Denton county, Texas, and with respect to a Riparian Stream Buffer on approximately 1 acre of land, generally located north of Pockrus Page, approximately 570 feet east of Fox Sedge Lane in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval with conditions (7-0). (AESA18-0002a, Villages of Carmel, Julie Wyatt)

ASSIGNED ORDINANCE NO. 19-AESA18-002a

The presentation outlined 1 purpose of the request, historical information on the property, timeline applicable to the project, and review of several Environmentally Sensitive Area Plans.

Additional areas discussed were mitigation strategies, long-term management and monitoring, notification process and responses. Staff confirmed the proposed monitoring process would ensure the encroachment won't happen again.

With the public hearing opened, the following spoke on the item:

- Justin Bono (Applicant), 9219 Arbor Trail Drive, spoke on appreciation of staff and their detailed presentation; detailed the project and escrow funds required for the project.

Council Member Hudspeth moved to approve the item with staff's recommendations and recalculate the math on the escrow to \$200 per inch for a total escrow amount of \$39,000. Motion seconded by Council Member Armintor. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

Absent When Vote Taken (1) Council Member Briggs

With no further business, the meeting was adjourned at 7:50 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: _____

4/16/2019