

CITY OF DENTON CITY COUNCIL MINUTES  
May 7, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 7, 2019, at 1:33 p.m. in the Council Work Session Room at City Hall 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, and Deb Armintor

ABSENT: Council Member Paul Meltzer

Also present were City Manager Todd Hileman and First Assistant City Attorney Larry Collister.

**WORK SESSION**

1. **Citizen Comments on Consent Agenda Items**

None.

2. **Requests for clarification of agenda items listed on the agenda for May 7, 2019.**

- Consent Item 4.A (ID 19-110) – As requested, staff provided clarification regarding Mayor as designee as opposed to City Council. (Armintor)
- Consent Item 4.M (ID 19-1016) – As requested, staff provided clarification on when the work is to begin on the Mobility Plan. (Briggs)

Council Member Duff arrived at 1:38 p.m.

3. **Work Session Reports**

- A. ID 19-946 Receive a funding recommendation report from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC), hold a discussion and give staff direction regarding these recommendations, activities, and the proposed 2019 Action Plan for Housing and Community Development.

The presentation centered on (1) purpose of presentation; (2) committees/grant review process and timeline leading to Council adoption; (3) overview of the Community Development Advisory Committee (CDAC) which included composition of membership, committee process, and committee grants and funding; and (4) purpose of grants, total amount of funds received to include CDGB and HOME Funds.

Council Member Hudspeth arrived at 2:22 p.m.

Following discussion, City Council consensus was to move forward with staff preparing the item for presentation on June 4, 2019.

The meeting was recessed for a short break at 2:30 p.m. and reconvened at 2:37 p.m.

- B. ID 19-012 Receive a report, hold a discussion, and give staff direction regarding the City of Denton's special event process and proposed ordinance.

The presentation centered on (1) purpose of special events; (2) operational tasks; (4) enhancement of customer service; (5) Special Event ordinance background to include current application process, procedures, and issues; and (6) overview of administrative procedures.

Following discussion, City Council consensus was to move forward with staff preparing the item for presentation at a future meeting.

The meeting was recessed for a short break at 3:45 p.m. and reconvened at 3:53 p.m.

- C. ID 19-699 Receive a report, hold a discussion, and give staff direction on the updated Integrated Pest Management (IPM) program.

The presentation centered on the Integrated Pest Management Program (IPM) which included (1) background on the current program, review of process which included a focus group and pilot site; (2) key provisions were to establish an objective, mission and goals, IPM Methodology; (3) additional considerations discussed in focus group which included organic maintenance and glyphosate use; and (4) proposed options.

Following discussion, City Council consensus was to move forward with staff preparing the item for presentation at a future meeting.

- D. ID 19-855 Receive a report, hold a discussion, and give staff direction regarding the use of utility service addresses for public hearing notifications.

The presentation centered on (1) background of the item; (2) notification procedures; (3) analysis of utility service addresses; (4) considerations identified by staff; (5) staff recommendation which was to begin notifications based on utility service address for the 500' courtesy notices.

Following discussion, City Council consensus was to move forward with staff preparing the item for presentation at a future meeting.

### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 4:52 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 19-973 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys and discuss legal status, expenses and strategy in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; 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, or otherwise compromise the City's legal position in pending litigation.

The meeting was recessed for a short break at 5:14 p.m. and reconvened at 5:20 p.m.

The Closed Meeting ended at 5:37 p.m. No votes or actions were taken in the Closed Meeting.

### **REGULAR MEETING**

After determining that a quorum was present, the Regular Meeting was called to order at 6:30 p.m. in the Council Chambers.

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

ABSENT: Council Member Paul Meltzer

Also present were City Manager Todd Hileman and First Assistant City Attorney Larry Collister.

#### **1. PLEDGE OF ALLEGIANCE**

- A. U.S. Flag
- B. Texas Flag

#### **2. PROCLAMATIONS/PRESENTATIONS**

- A. ID 19-687 G. Brint Ryan - ISSUED
- B. ID 19-969 Denton County Mental Health Month - ISSUED
- C. ID 19-970 Children's Mental Health Awareness Day - ISSUED
- D. ID 19-971 Bike Month - ISSUED
- E. ID 19-972 Building Safety Month - ISSUED



### **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 19-917 Mr. Lester Hudson regarding high-speed internet in Denton – PRESENTED.
- C. Additional Citizen Reports (Open Microphone).
  - Jennifer Lane, 1526 Willwood, spoke regarding the Events Policy and her concerns.

### **4. CONSENT AGENDA**

Council Member Hudspeth moved to adopt the Consent Agenda consisting of items 4.A-O. Motion seconded by Mayor Pro Tem Ryan. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSENT (1): Council Member Meltzer

- A. ID 19-110 Consider adoption of an Ordinance of the City Council of the City of Denton, Texas, repealing Ordinance No. 2018-237; approving and adopting the 2019 Denton Municipal Electric - Energy Risk Management Policy ("2019 ERMP"); authorizing and approving the execution by the Mayor, or his designee, of the 2019 ERMP; delegating authority as provided in the 2019 ERMP; authorizing and approving the subsequent execution of contracts and related and ancillary documents, including, without limitation, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements, as are authorized by the 2019 ERMP, which are incident to or related thereto; confirming that the City of Denton, Texas, its Mayor, its City Council members, its City Manager, or his designees, and its City Secretary, or her designees, are authorized to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2019 ERMP; finding that the purchase of electricity, natural gas, and related commodities are exempt from the requirement of competitive bidding; finding that the purchase of electric energy, natural gas and related commodities made by the City under the terms of the 2019 ERMP are in the public welfare of the citizens and electric ratepayers of the City; authorizing the expenditure of funds therefor; providing an effective date.

#### **ASSIGNED ORDINANCE NO. 19-110**

- B. ID 19-930 Consider approval of the minutes of April 1, April 2, April 9, April 16, and April 23, 2019.

- C. ID 19-931 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 Buy Board Cooperative Purchasing Network Contract Number 521-16 for the acquisition of one (1) Altec model TA60 Articulating Telescopic Aerial Truck for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (File 7024 - awarded to Freightliner of Austin, in the not-to-exceed amount of \$243,539). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-931**

- D. ID 19-933 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 Sourcewell Cooperative Purchasing Network Contract Number 021815, for the acquisition of one (1) Tractor/Scraper combination for \$868,010.90 for the Solid Waste Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7034 - awarded to Associated Supply Company, Inc., in the not-to-exceed amount of \$868,010.90). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-933**

- E. ID 19-934 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 Buy Board Cooperative Purchasing Network Contract Number 515-16 for the acquisition of two (2) Broce Model RJT350 Sweepers for the Water Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 7035 - awarded to R.B. Everett & Company, in the not-to-exceed amount of \$119,970). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-934**

- F. ID 19-935 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 Buy Board Cooperative Purchasing Network Contract Number 515-16 for the acquisition of one (1) new Volvo model L180H and one (1) new Volvo model L70H replacement Wheel Loaders for the Beneficial Reuse Department; providing for the expenditure of funds therefor; and providing an effective date (File 7048 - awarded to Romco Equipment Company, LLC, in the not-to-exceed amount of \$546,413). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-935**

- G. ID 19-936 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 N.G. Painting L.P., for the Construction of NW Storage Tank Rehabilitation located at the intersection of Loop 288 and Hwy. 35N; providing for the expenditure of funds therefor; and providing an effective date (IFB 6990 - awarded to N.G. Painting L.P., in the not-to-exceed amount of \$249,050). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-936**



- H. ID 19-937 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 Buy Board Cooperative Purchasing Network Contract Number 521-16 for the acquisition of three (3) heavy duty refuse trucks for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7049 - awarded to Rush Truck Center of Texas, L.P., in the not to exceed amount of \$844,362). The Public Utilities Board recommends approval (4-0).

**ASSIGNED ORDINANCE NO. 19-937**

- I. ID 19-938 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 Bates and Martin Architects, LLC, amending the contract approved by Purchasing Staff on October 22, 2018, in the not-to-exceed amount of \$34,300, said first amendment to provide architectural services and lighting for 12 tennis courts for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 6915 - providing for an additional expenditure amount not-to-exceed \$121,368, for a total contract amount not-to-exceed \$155,668).

**ASSIGNED ORDINANCE NO. 19-938**

- J. ID 19-939 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 Buy Board Cooperative Purchasing Network Contract Number 529-17 for the replacement of outdated irrigation control equipment; providing for the expenditure of funds therefore; and providing an effective date (File 6948 - awarded to Interspec, LLC, in the not-to-exceed amount of \$184,140).

**ASSIGNED ORDINANCE NO. 19-939**

- K. ID 19-940 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-3781 with Microsoft Corporation, for Microsoft Premiere Support Services; providing for the expenditure of funds therefor; and providing an effective date (File 7044 - awarded to Microsoft Corporation, in the three (3) year not-to-exceed amount of \$258,285).

**ASSIGNED ORDINANCE NO. 19-940**

- L. ID 19-394 Consider adoption of an ordinance approving an Airport Land Lease Agreement between the City of Denton and 3KAM Real Estate, LLC; and providing an effective date. The Council Airport Committee recommends approval (2-0).

**ASSIGNED ORDINANCE NO. 19-394**

- M. ID 19-1016 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Walter P. Moore & Associates, Inc., for engineering services for the Mobility Plan for the City of Denton as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6999 - awarded to Walter P. Moore & Associates, Inc., in the not-to-exceed amount of \$537,300).

**ASSIGNED ORDINANCE NO. 19-1016**

- N. ID 19-1028 Consider adoption of an ordinance of the City of Denton, Texas, concurring with the City Manager's reorganization of the City of Denton's administrative departments and divisions; authorizing the expenditure of funds in connection with the reorganization; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-1028**

- O. ID 19-1030 Consider approval of a Resolution of the City Council of the City of Denton, Texas supporting the listing of the Fairhaven Retirement Home, located at 2400 North Bell in Denton, Texas, on the National Register of Historic Places; and providing an effective date. (ID 19-1030, Roman McAllen)

**ASSIGNED RESOLUTION NO. 19-1030**

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 19-968 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract extension between the City of Denton and Jagoe-Public Company, through November 7, 2019, to provide the construction of asphalt and concrete street sections and repairs; and declaring an effective (IFB 6730 - extending a contract with Jagoe-Public Company, to November 7, 2019).

**ASSIGNED ORDINANCE NO. 19-968**

The presentation was made and discussion followed.

Mayor Pro Tem Ryan moved to adopt the item as presented. Motion seconded by Council Member Hudspeth. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSENT (1): Council Member Meltzer

- B. ID 19-986 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 6976 for the supply of heating, ventilation and air conditioning maintenance, repairs, and replacement services for various City buildings and any other areas maintained by the City of Denton Facilities Department; and providing an effective date (IFB 6976).

**ASSIGNED ORDINANCE NO. 19-986**

Mayor Watts announced he had a conflict of interest and that Mayor Pro Tem Ryan would be presiding over the item. Mayor Watts left the Council Chambers.

The presentation was made with no discussion following.

Council Member Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Armintor. Motion carried.

AYES (5): Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSTAIN (1): Mayor Watts

ABSENT (1): Council Member Meltzer

- C. ID 19-994 Consider approval of a resolution of the City of Denton approving a letter of support for Serve Denton regarding its grant proposal of \$100,000.00 to the Moody Foundation to complete expansion of the Serve Denton Center Facility to include the Denton Community Food Center, Health Services of North Texas clinic, and Children's Advocacy Center offices; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-994**

Mayor Watts announced Mayor Pro Tem Ryan had a conflict of interest and had left the Council Chambers.

The presentation was made with no discussion following.

Council Member Briggs moved to adopt the item as presented. Motion seconded by Council Member Hudspeth. Motion carried.

AYES (5): Mayor Watts and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Ryan

ABSENT (1): Council Member Meltzer

- D. ID 19-397 Consider adoption of an ordinance of the City of Denton approving a consent to Collateral Assignment of an Airport Land Lease Agreement between Mark Hicks Transport, LLC and AccessBank Texas; and providing an effective date. The Council Airport Committee recommends approval (2-0).

**ASSIGNED ORDINANCE NO. 19-397**

Mayor Watts announced he had a conflict of interest and that Mayor Pro Tem Ryan would be presiding over the item. Mayor Watts left the Council Chambers.

The presentation was made with no discussion following.



Council Member Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Duff. Motion carried.

AYES (5): Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSTAIN (1): Mayor Watts

ABSENT (1): Council Member Meltzer

- E. ID 19-007 Consider adoption of an ordinance of the City of Denton ("City") authorizing the City Manager, or his designee, to execute a Purchase Agreement by and between MD Masud Reza (the "Owner"), and the City, regarding the sale and purchase of fee simple to an approximate 1.656 acre tract, more or less, situated in the Alexander Hill Survey, Abstract No. 623, Denton County, Texas for the purchase price of Two Million Nine Hundred Ninety-Nine Thousand Seven Hundred Fifty Dollars and No Cents (\$2,999,750.00), as prescribed in the Purchase Agreement; authorizing the expenditure of funds therefor; authorizing relocation expenditures; providing for severability and an effective date. (Eagle Electric Substation - 801-811 Eagle Drive & 827 Bernard Street).

**ASSIGNED ORDINANCE NO. 19-007**

Mayor Watts announced Council Member Armintor had a conflict of interest and had left the Council Chambers.

The presentation was made with no discussion following.

Council Member Hudspeth moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Ryan. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, and Duff

NAYS (0): None

ABSTAIN (1): Council Member Armintor

ABSENT (1): Council Member Meltzer

- F. ID 19-918 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities, Health & Building Standards Commission, Public Art Committee, Special Citizens Bond Advisory Committee, and Zoning Board of Adjustment.

Council Member Hudspeth moved to appoint the following as noted:

- Public Art Committee: Alicia Eggert
- Special Citizens Bond Advisory Committee: Randy Robinson, Tim Crouch, Janet Shelton, Cody Lewis, Nancy Kimmey, Kate Lynass, Susan Parker

Motion seconded by Council Member Briggs. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (0): None

ABSENT (1): Council Member Meltzer

## **6. PUBLIC HEARINGS**

- A. Z18-0026a Hold a public hearing and consider adoption of an ordinance regarding an amendment to the Rayzor Ranch Overlay District to provide standards and criteria for the residential development within the Rayzor Ranch South Campus - South Mixed Use District, being a part of the approximately 257 acre Rayzor Ranch South Campus generally located on the south side of West University Drive/US 380 and west of Bonnie Brae 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 for severability and establishing an effective date. (Z18-0026, Rayzor Ranch South, Hayley Zagurski). THIS ITEM HAS BEEN POSTPONED DUE TO CANCELLATION OF THE APRIL 17, 2019 PLANNING AND ZONING COMMISSION MEETING.

As noted, the public hearing had been previously postponed due to cancellation of the April 17, 2019 Planning and Zoning Commission Meeting.

- B. S18-0005e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a multi-family dwelling use on an approximately 9.91 acre site, generally located west of Mockingbird Lane, south of Mingo Road, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommends approval 6-0, with conditions. (S18-0005, Mockingbird Multifamily, Ron Menguita)

The presentation outlined (1) overview of the Specific Use Permit Request; (2) future land use element; (3) zoning district; (4) criteria used for approval; (5) ease of mobility and compatibility with surrounding area; (6) Traffic Impact Analysis and mitigation measures; (7) preliminary site plan and landscape plan; (8) notifications and responses; and (9) recommendation of approval with specific conditions outlined in AIS.

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

- Patrick Filson (Applicant), 4821 Mercur Avenue, provided an overview of the requested Specific Use Permit
- Nancy Carson, 2908 Oakshire, in opposition to the item; expressed concern for the visual aesthetics of the proposed project

With no other speakers coming forward, the public hearing was closed.

Council Member Hudspeth moved to deny the item. Motion seconded by Council Member Armintor.

Mayor Watts made a substitute motion to postpone the item to May 21, 2019 with corresponding information to be provided to City Council.

Following further discussion, Mayor Watts amended his substitute motion to postpone the item to June 11, 2019. Council Member Briggs seconded the amendment to the substitute motion. Amended substitute motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Ryan and Council Members Hudspeth, Briggs, and Duff

NAYS (1): Armintor

ABSENT (1): Council Member Meltzer

## 7. CONCLUDING ITEMS

Council Members expressed items of interest, gratitude and provided general announcements. Staff to provide responsive information to those requests for information as part of the Friday Report process.

With no further business, the meeting was adjourned at 8:22 p.m.



CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 5-21-2019