

CITY OF DENTON CITY COUNCIL MINUTES

June 4, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, June 4, 2019, at 1:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan, and Deb Armintor

ABSENT: Mayor Chris Watts and Council Member Paul Meltzer

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

In the absence of Mayor Watts, Mayor Pro Tem Hudspeth served as Presiding Officer.

Mayor Pro Tem Hudspeth announced Individual Consideration Items 6.A (ID 19-1137) and 6.B (ID 19-1138) were being removed from consideration at staff's request.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None.

2. Requests for clarification of agenda items listed on this agenda

None.

3. Work Session Reports

- A. ID 19-1192 Receive a report, hold a discussion and give staff direction regarding the Water Fiscal Year 2019-20 Operating and Capital Budget.

The presentation was made and discussion followed.

Following discussion, staff was directed to prepare the item for presentation at a future meeting.

- B. ID 19-1193 Receive a report, hold a discussion and give staff direction regarding the Wastewater and Drainage Fiscal Year 2019-20 Operating and Capital Budget.

The presentation was made and discussion followed.

The meeting was recessed for a short break at 2:08 p.m. and reconvened at 2:17 p.m.

Following discussion, staff was directed to prepare the item for presentation at a future meeting.

- C. ID 19-1194 Receive a report, hold a discussion and give staff direction regarding the Customer Service Fiscal Year 2019-20 Operating Budget.

The presentation was made and discussion followed.

Following discussion, staff was directed to prepare the item for presentation at a future meeting.

- D. ID 19-1202 Receive a report, hold a discussion, and provide staff direction regarding the fee charged to commercial accounts when utilizing the online and phone payment channel.

The presentation was made and discussion followed.

Following discussion, staff was directed to prepare the item for presentation at a future meeting.

The meeting was recessed for a short break at 3:34 p.m. and reconvened at 3:43 p.m.

- E. ID 19-1205 Receive a report, hold a discussion, and give staff direction regarding an internal audit of the Police Property Room.

The presentation was made and discussion followed.

Following discussion, there was no staff direction given.

REGULAR MEETING

After determining that a quorum was present, the Regular Meeting was called to order at 6:34 p.m. in the Council Chambers.

PRESENT: Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan and Deb Armintor

ABSENT: Mayor Chris Watts and Council Member Paul Meltzer

In the absence of Mayor Watts, Mayor Pro Tem Hudspeth served as Presiding Officer.

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

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 19-1090 Resolution of Appreciation for Tim Fisher - ISSUED
- B. ID 19-1263 National Pollinator Week - ISSUED
- C. ID 19-1265 Denton LGBTQ Pride 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.

None.

- C. Additional Citizen Reports (Open Microphone)

None.

4. CONSENT AGENDA

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

Council Member Ryan moved to adopt the Consent Agenda consisting of items 4.A-J. Motion seconded by Council Member Armintor. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

- A. ID 19-1041 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Music and Arts Collaborative; providing for the expenditure of funds; authorizing the City manager, or his designee, to execute said agreement; and providing for an effective date. (\$500)

ASSIGNED ORDINANCE NO. 19-1041

- B. ID 19-1126 Consider approval of a resolution appointing Frank Pugsley as the City's representative to serve as a member of the Board of Directors of the Upper Trinity Regional Water District; and providing an effective date. The Public Utilities Board recommends approval 6-0.

ASSIGNED RESOLUTION NO. 19-1126

- C. ID 19-1146 Consider adoption of an ordinance by the City of Denton, Texas, authorizing the City Manager to sign and submit to the Department of Housing and Urban Development a 2019 Action Plan for Housing and Community Development with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended; authorizing the Community Development Manager and Community Development Coordinator to sign release of liens and subordination agreements upon certain conditions; and providing for an effective date.

ASSIGNED ORDINANCE NO. 19-1146

- D. ID 19-1156 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, amending Chapter 22 "Parks and Recreation" of the Code of Ordinances, City of Denton, Texas by amending Section 22-6 "Public Art Committee" to provide that the Public Art Committee shall have the duty to make recommendations to the City Council related to cultural districts; amending Section 22-6 to add the Director of Economic Development as an ex-officio member of the Public Art Committee; and providing an effective date. The Public Art Committee recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1156

- E. ID 19-1157 Consider adoption of a resolution of the City Council of the City of Denton designating the Original Denton District as a Cultural District; and providing an effective date. The Public Art Committee recommends approval (6-0).

ASSIGNED RESOLUTION NO. 19-1157

- F. ID 19-1158 Consider adoption of a resolution of the City Council of the City of Denton in support of the Original Denton District seeking state designation as an official cultural district from the Texas Commission on the Arts; and providing an effective date. The Public Art Committee recommends approval (6-0).

ASSIGNED RESOLUTION NO. 19-1158

- G. ID 19-1159 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 Ponder Company, Inc., for the Replacement of Resilient Sports Gym Floor at City of Denton's North Lakes Recreation Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7005 - awarded to Ponder Company, Inc., in the not-to-exceed amount of \$100,595.45).

ASSIGNED ORDINANCE NO. 19-1159

- H. ID 19-1174 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed \$18,167 of in-kind services and resources for the Denton Juneteenth Celebration, which will be held on Friday, June 14, 2019, from 6:00 p.m. to 11:30 p.m., and Saturday, June 15, 2019, from 8:00 a.m. to 12:00 a.m., at the Fred Moore Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1174

- I. ID 19-1187 Consider adoption of an ordinance of the City of Denton, granting the Denton Juneteenth Celebration Committee a noise exception, pursuant to section 17-20 of the City of Denton Code of Ordinances, for the Denton Juneteenth Celebration, which will be held on Friday, June 14, 2019, from 6:00 p.m. to 11:30 p.m. and Saturday, June 15, 2019, from 8:00 a.m. to 12:00 a.m. at the Fred Moore Park; granting an increase in sound levels from 70 to 75 dba and a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1187

- J. ID 19-1190 Consider approval of the minutes of May 21, 2019.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1137 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$47,990,000 in principal amount of "City of Denton General Obligation Bonds, Series 2019"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; enacting other provisions relating to the subject; and providing an effective date.

As announced earlier in the work session, the item was pulled from consideration at staff's request.

- B. ID 19-1138 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$26,720,000 in principal amount of "City of Denton Certificates of Obligation, Series 2019" for General Government and Technology Services; authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; enacting other provisions relating to the subject; and providing an effective date.

As announced earlier in the work session, the item was pulled from consideration at staff's request.

- C. ID 19-1191 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities, Health & Building Standards Commission, Historic Landmark Commission, Special Citizens Bond Advisory Committee, and Zoning Board of Adjustment.

No discussion was held.

Council Member Briggs moved to appoint the following as noted:

- Historic Landmark Commission: Melody Kohout (Denton County Historical Commission Member qualification)
- Zoning Board of Adjustment: Emily Meisner (Full Member)
- Special Citizens Bond Advisory Committee: Nathan Tune

Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

7. PUBLIC HEARINGS

- A. DCA19-0004e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Subchapters 5, 8, 14, and 23 of the Denton Development Code by adding definitions, development standards, and minimum parking standards for supportive residential and treatment facility uses; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommended approval (6-0). (DCA19-0004e, Treatment Centers, Julie Wyatt)

ASSIGNED ORDINANCE NO. DCA19-0004e

The presentation was made and discussion followed.

The public hearing was opened; and with no speakers coming forward, the public hearing was closed.

Council Member Davis moved to approve the item as presented. Motion seconded by Council Member Briggs. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

- B. S19-0009a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit for a Treatment Facility on an approximately 4.4-acre site, generally located on the east side of North Ruddell Street, approximately 495 feet north of Mingo Road, 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 severability; and establishing an effective date. The Planning and Zoning Commission recommended approval (6-0). (S19-0009a, Ruddell Campus, Julie Wyatt)
ASSIGNED ORDINANCE NO. S19-0009a

The presentation was made and discussion followed.

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

- Scott Wisenbaker (Applicant) 4700 Gunnison - provided an overview of the requested SUP
- Brent Snyder, P.O. Box 44, Argyle - in support of the item and elaborated on the positive impact it would have on citizens in Denton
- Robert Williams, 9477 Ft. Worth Drive - in support of the item
- Alicia Monday, 7 Chasewood Circle - in support of the item and elaborated on how she has benefitted from the organization

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

Council Member Armintor moved to approve the item with the following stipulation:

- City complete sidewalks and waive fees for SUP.

Motion seconded by Council Member Briggs.

City Attorney Leal advised the City was unable to approve an SUP with stipulations that waive fees.

Council Member Briggs offered a friendly amendment to approve as presented with the following stipulation:

- Staff schedule a work session to address possible CDGB funding and consider installation of sidewalks.

Council Member Armintor accepted the friendly amendment. Amended motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

- C. Z19-0002b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in the zoning classification from a Downtown Commercial Neighborhood (DC-N) zoning district and use classification to a Downtown Commercial General (DC-G) zoning district and use classification on approximately 0.964 acres of land generally located at the northwest corner of the intersection of W. Mulberry Street and S. Carroll Boulevard, 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. The Planning and Zoning Commission recommends approval (7-0). (Z19-0002b, Denton Bank, Cindy Jackson)

ASSIGNED ORDINANCE NO. Z19-0002b

Items 7.C (ID Z19-0002b) and 7.D (ID Z19-0007b) were collectively presented, discussed and the public hearing opened.

The following spoke on both items:

- Lee Allision (Applicant), 2415 N. Elm - provided an overview of the requested zoning change
- Marty River (Applicant), 2415 N. Elm - provided an overview of the requested zoning change and answered questions

With no other speakers coming forward, the public hearings were closed.

Council Member Briggs moved to approve the item as presented and recommended by staff. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

- D. S19-0007b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a specific use permit to allow a drive-through facility in association with a bank on a property generally located in a Downtown Commercial General (DC-G) zoning district and use classification on approximately 0.964 acres of land generally located at the northwest corner of the intersection of W. Mulberry Street and S. Carroll Boulevard, 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. The Planning and Zoning Commission recommends approval with conditions (7-0). (S19-0007, Denton Bank, Cindy Jackson)

ASSIGNED ORDINANCE NO. S19-0007b

Items 7.C (ID Z19-0002b) and 7.D (ID Z19-0007b) were collectively presented and public hearing opened.

The following spoke on both items:

- Lee Allision (Applicant), 2415 N. Elm - provided an overview of the requested zoning change
- Marty River (Applicant), 2415 N. Elm - provided an overview of the requested zoning change and answered questions

Council Member Briggs moved to approve the item as presented and recommended by staff. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

ABSENT (2): Mayor Watts and Council Member Meltzer

- E. DCA18-0007e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the 2002 Denton Development Code as currently amended: to add Subchapter 35.25 The Denton Square District; to add Section 35.25.2.1.2.A, Design Standards Review Procedures, listing a new type of planning procedure; to add Table 35.25.2.10-A: Summary of Development Review Procedures, illustrating a new type of planning procedure; to add Section 35.25.2.10 Design Standards Review Procedures, establishing procedures for processing an application for a Certificate of Design Consistency; to add Section 35.25.4.10 the Denton Square District, establishing a design district and providing for design standards for new construction and certain repairs and renovations in the Denton Square area; providing an appeals process; providing that this ordinance shall be cumulative; providing for severability; providing a penalty clause in the maximum amount of \$2,000.00 for violations thereof; providing a savings clause; providing a repealer clause; providing for publication in the official newspaper; and establishing an effective date. (DCA18-0007e, The Denton Square District, Sean Jacobson).

ASSIGNED ORDINANCE NO. DCA18-0007e

Council Member Ryan had a conflict of interest and left the Council Chambers.

The presentation was made and discussion followed.

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

- Gene Price, 3316 Sunnydale Ln. - stated these type of hearing requests and standards should be vetted by the Fire Department

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

Council Member Armintor moved to approve the item as presented and recommended by staff. Motion seconded by Council Member Briggs. Motion carried.

AYES (4): Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, and Armintor

NAYS (0): None

ABSTAIN (1): Council Member Ryan

ABSENT (2): Mayor Watts and Council Member Meltzer

8. CONCLUDING ITEMS

Council Members expressed items of interest, congratulatory remarks 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 8:51 p.m.



GERARD HUDSPETH
MAYOR PRO TEM
CITY OF DENTON, TEXAS



ZOLAINA R. PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: June 18, 2019