

CITY OF DENTON CITY COUNCIL MINUTES

June 18, 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 18, 2019, at 12:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: None

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

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None.

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

- Consent Item 4.A (ID 19-1103) - Pulled for Individual Consideration. (Briggs)
- Consent Item 4.K (ID 19-1336) - Pulled for Individual Consideration. (Meltzer)
- Consent Item 4.G (ID 19-1292) - As requested, staff provided clarification as to the difference between this item and the item adopted under Ordinance No. 19-1259 on June 11th; as well as how fees would be determined. (Briggs, Hudspeth)

3. Work Session Reports

- A. ID 19-856 Receive a report, hold a discussion, and give staff direction regarding construction budgeting considerations and construction procurement methods.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with use of the City Manager At Risk Procurement Method (CMAR).

- B. ID 19-1353 Receive a report, hold a discussion, and give staff direction regarding a pilot program for valet solid waste and recycling services for the downtown area.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with pilot program and report findings to City Council at a future meeting.

The meeting was recessed for a short break at 1:23 p.m. and reconvened at 1:32 p.m.

- C. ID 19-1320 Receive a report, hold a discussion, and give staff direction regarding the 2019 Boards & Commissions Nominee Screening and Appointment Process.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed under the presented process.

- D. ID 19-1323 Receive a report, hold a discussion, and give staff direction regarding the General Fund preliminary FY 2019-20 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

The presentation was made and discussion followed.

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

The meeting was recessed for a short break at 2:36 p.m. and reconvened at 2:47 p.m.

- E. ID 19-1423 Receive a report, hold a discussion, and give direction regarding departmental presentations in preparation for the FY 2019-20 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

The presentation was made and discussion followed.

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

- F. ID 19-651 Receive a report, hold a discussion, and give staff direction regarding the Development Services Fees.

The presentation was made and discussion followed.

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

CLOSED MEETING

- 1. The City Council convened into a Closed Meeting at 4:20 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - A. ID 19-1409 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)

The Closed Meeting started at 4:20 p.m. and ended at 5:12 p.m. No votes or actions were taken during the Closed Meeting.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, June 18, 2019, at 6:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: None

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

None.

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.

- A. ID 19-1414 Layla Comeans regarding citizen support for the Denton Basic Service Center project - PRESENTED
- B. ID 19-1401 Joel Hunt regarding homelessness - PRESENTED
- C. ID 19-1392 Jane Piper-Lunt regarding homelessness - PRESENTED
- D. ID 19-1430 Edward Prout regarding liquor establishments to be located immediately next to/across the street from Melrose Apartments - PRESENTED

C. Additional Citizen Reports (Open Microphone).

- Willie Hudspeth, 623 Newton, on homeless and home subsidy, as well as affect to himself and family

4. **CONSENT AGENDA**

The consent agenda consisted of Items 4.A-L, 4.N, and 4.O. There was no item M listed/scheduled for consideration on the agenda. Item 4.A (ID 19-1103) was pulled for individual consideration by Council Member Briggs. Item 4.K (ID 19-1336) was pulled for individual consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of items 4.B-J, 4.L, 4.N, and 4.O. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

B. ID 19-1272 Consider approval of the minutes of June 4, 2019.

- C. ID 19-1288 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 PerkinElmer Health Sciences, Inc., for the supply of Inductively Coupled Plasma - Mass Spectrometer Instrument, System Controller and Software; providing for the expenditure of funds therefor; and providing an effective date (RFP 7036-awarded to PerkinElmer Health Sciences, Inc., in the five (5) year not-to-exceed amount of \$149,118). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1288

- D. ID 19-1289 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 Delta Fuel

Company, LLC, for the supply of Denton Energy Center Lubricating Oil; providing for the expenditure of funds therefor; and providing an effective date (IFB 7064 - awarded to Delta Fuel Company, LLC, in the three (3) year not-to-exceed amount of \$1,182,600). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1289

- E. ID 19-1290 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 with Dallas Lite & Barricade, Inc., through an Interlocal Cooperative Purchasing Agreement with the City of Arlington, Bid Number 18-0096, under the Government Code, Chapter 791.001, to authorize City of Denton contracts for the acquisition of barricades to be used throughout the City by various departments; authorizing the expenditure of funds therefor; and declaring an effective date (File 7078 - awarded to Dallas Lite & Barricade, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in the total (3) year not-to-exceed amount of \$300,000). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1290

- F. ID 19-1291 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 Gershman, Brickner & Bratton, Inc., amending the contract approved by Purchasing Staff on December 20, 2018, in the not-to-exceed amount of \$48,000; said first amendment to provide the design, evaluation, and procurement of an inventory management and customer work order management system for Solid Waste and Recycling Departments in the amount of \$38,000; providing for the expenditure of funds therefor; and providing an effective date (File 6963 - providing for an additional first amendment expenditure amount not-to-exceed \$38,000, with the total contract amount not-to-exceed \$86,000). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1291

- G. ID 19-1292 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Traffic Signal Hardware for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7019 - awarded to the lowest responsive bidder for each line item: Consolidated Traffic Controls, Inc., in a total not-to-exceed amount of \$375,000; Mobotrex, Inc., in a total not-to-exceed amount of \$375,000; Paradigm Traffic Systems, Inc., in a total not-to-exceed amount of \$540,000; Texas Highway Products, LTD., in a total not-to-exceed amount of \$1,380,000; in a total three (3) year, not-to-exceed amount of \$2,670,000).

ASSIGNED ORDINANCE NO. 19-1292

- H. ID 19-1312 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 Presidio Networked Solutions Group, LLC for the purchase of LogRhythm Security Information and Event Management through Department of Information Resources (DIR) Cooperative

Purchasing Network, Contract Number DIR-TSO-3847; providing for the expenditure of funds therefor; and providing an effective date (File 7082 - awarded to Presidio Networked Solutions Group, LLC, in the not-to-exceed amount of \$188,748.01).

ASSIGNED ORDINANCE NO. 19-1312

- I. ID 19-1314 Consider adoption of a resolution of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Main Street Program demonstrating the City of Denton's commitment to continue as a "Sustaining Level Official Main Street City" and authorizing payment of the annual fee in the amount of \$2,600; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-1314

- J. ID 19-1315 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application for JCN Investments, LLC, representing The Loophole, from the Downtown Reinvestment Grant Program not to exceed \$10,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (8-0).

ASSIGNED ORDINANCE NO. 19-1315

- L. ID 19-1337 Consider approval of an ordinance of the City of Denton authorizing the City Manager, or his designee, to enter into a development agreement between the City of Denton and Country Lakes West, LLC for the development of park land and construction of park improvements for a neighborhood park at the Country Lakes West Phase Three subdivision; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1337

- N. ID 19-1431 Consider adoption of an ordinance adopting a new interim fee for building permits, needed for interim compliance with a statute having an immediate effective date, pending completion of a new fee study; superseding the prior value-based building permit fee for residential structures, to the limited effect of such conflict; providing for severability; and establishing an effective date.

ASSIGNED ORDINANCE NO. 19-1431

- O. ID 19-1433 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a public access easement granted to the City of Denton by Windy Hill Development company, recorded as Instrument No. 1996-78213 in the Real Property Records, Denton County, Texas; providing for severability and an effective date. (EAR19-0004 Harvest Hill Addition, temporary turn-around easement abandonment - Mark Laird)

ASSIGNED ORDINANCE NO. 19-1433

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1103 Consider adoption of a resolution establishing Naming Policy Guidelines for City buildings, facilities, land or any portion thereof; repealing Resolution No. R2012-007; and declaring an effective date.

ASSIGNED RESOLUTION NO. 19-1103

Pulled for individual consideration by Council Member Briggs.

The presentation was made and discussion followed.

Council Member Briggs moved to postpone the item until after a work session and public hearing were held on the item (event certain). Motion seconded by Council Member Armintor. Motion carried.

AYES (6): Mayor Watts and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (1): Mayor Pro Tem Hudspeth

- K. ID 19-1336 Consider adoption of a resolution of the City of Denton, Texas establishing an acceptance of sponsorships and donations policy; and declaring an effective date.

ASSIGNED RESOLUTION NO. 19-1336

Pulled for individual consideration by Council Member Meltzer.

The presentation was made and discussion followed.

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

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (0): None

The meeting was recessed for a short break at 7:29 p.m. and reconvened at 7:35 p.m.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1121 Consider an appeal of the Historic Landmark Commission denial of an amendment to an existing Certificate of Appropriateness for the expansion of a mural to the front façade of a local designated landmark building located at 122 North Locust (COA17-0010, 122 N. Locust) The Historic Landmark Commission recommends denial (7-0).

The presentation was made and discussion followed.

The following registered speakers were called on the item:

- Eric Pulido (Appellant), 1209 Piping Rock Lane - on his application process, his transparency during the process, and standards in place at time of the original facade
- Susan Carol Davis, 807 Live Oak Street - in support of the appellant's request
- Willie Hudspeth, 623 Newton - on the need to review standards in place at the time it was put in place to present
- Phyllis Minton, 2005 Burning Tree - in support the mural but not agreeable with intentionally overlooking standards of which the owner was knowledgeable about
- Ken Gold, 2512 Natchez Trace - on the owner being aware of permission needed but proceeded anyway; the action taken today will be the precedent
- Linda Eaddy, 2 Wellington Oaks Circle - on the identity Denton has in the art world; the mural adds to that; get more input from the community
- Linnie McAdams, 1426 Kendolph Drive - on feeling sorry for the artist who has been castigated; not unreasonable to believe that if the north/south sides were approved, that the front would be painted as well

Discussion continued. City Attorney Leal clarified that if City Council sought to approve the Appellants' request, the motion would be to reverse the Historic Landmark Commission's determination and grant approval.

Mayor Pro Tem Hudspeth moved to reverse the Historic Landmark Commission's determination and grant the appeal. Motion seconded by Council Member Davis. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Armintor
NAYS (1): Council Member Meltzer

The meeting was recessed for a short break at 8:51 p.m. and reconvened at 9:03 p.m.

- B. ID 19-1160 Consider adoption of an ordinance of the City of Denton amending the Code of Ordinances, related to Chapter 25, titled "Streets, Sidewalks and Public Places" Article V, titled "Special Events;" providing a repealer; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

ASSIGNED ORDINANCE NO. 19-1160

The presentation was made and discussion followed.

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

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Meltzer
NAYS (1): Council Member Armintor

C. ID 19-1375 Consider appointments to City Council Committees.

The presentation was made and discussion followed.

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

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

NAYS (0): None

D. ID 19-1417 Consider approval of a resolution of the City Council of the City of Denton appointing an alternate representative to the Denton County Transportation Authority Board of Directors; providing a repealer; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-1417

The presentation was made and no discussion followed.

Council Member Briggs moved to appoint Council Member John Ryan as the alternate representative to the Denton County Transportation Authority Board of Directors. Motion seconded by Council Member Meltzer. Motion carried.

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

NAYS (0): None

E. ID 19-1438 Consider a motion to reconsider the June 11, 2019 approval of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification (ZCI 19-0024a) from a Downtown Commercial General (DC-G) to a Highway Corridor (HC) zoning district and use classification, on approximately 8.32 acres of land, generally located on the northwest corner of I-35E and Fort Worth Drive 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 an effective date (City Initiated Zoning Change - Area 24, Richard Cannone).

The presentation was made and no discussion followed.

Council Member Ryan moved the motion to reconsider the June 11, 2019 approval of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification (ZCI 19-0024a), as further detailed above. Motion seconded by Council Member Briggs. Motion carried.

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

NAYS (0): None

6. PUBLIC HEARINGS

- A. Z18-0025b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a request by Denton West Joint Venture to amend Ordinance 2014-075 to remove overlay restrictions on approximately 8.627 acres of land zoned Neighborhood Residential Mixed Use (NRMU) District, generally located on the north side of East Ryan Road, approximately 850 feet west of Teasley Lane 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 an effective date. THIS ITEM HAS BEEN POSTPONED AND WILL BE NOTICED FOR A LATER DATE. (Z18-0025, Hunters Creek, Julie Wyatt)

As noted, the public hearing was postponed and would be noticed for a later date.

- B. S19-0004b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a request by Denton West Joint Venture for a Specific Use Permit for multi-family dwellings on approximately 8.627 acres of land zoned Neighborhood Residential Mixed Use (NRMU) District, generally located on the north side of East Ryan Road, approximately 850 feet west of Teasley Lane 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 an effective date. THIS ITEM HAS BEEN POSTPONED AND WILL BE NOTICED FOR A LATER DATE. (S19-0004, Hunters Creek, Julie Wyatt)

As noted, the public hearing was postponed and would be noticed for a later date.

- C. S19-0008a Hold a public hearing and consider adoption of an ordinance amending Specific Use Permit Ordinance 2017-222 to allow for a change in the previously approved building facades within a multi-family development on approximately 0.9 acre. The property is generally located on the north side of the Riney Road and Riney Court intersection in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S19-0008, Riney Road Apartments, Hayley Zagurski).

ASSIGNED ORDINANCE NO. S19-0008a

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


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

NAYS (0): None


7. 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 9:50 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: July 16, 2019