

CITY OF DENTON CITY COUNCIL MINUTES
August 20, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 20, 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 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

Mayor Watts announced Items 4.A (ID 19-685) and 4.D (ID 19-1894) would not be considered 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.

- Consent 4.A (ID 19-685) - Removed from consideration at staff's request
- Consent 4.D (ID 19-1894) - Removed from consideration at staff's request
- Individual Consideration 5.C (ID 19-1766) - Pulled the proposed appointment of Annetta Ramsey for further verification of the vetting process (Ryan)

3. Work Session Reports

- A. ID 19-1840 Receive a report, hold a discussion, and give staff direction regarding the draft 2019 Historic Preservation Plan.

The presentation was made and discussion followed.

Following discussion, staff was directed to provide the draft of the 2019 Historic Preservation Plan at a future meeting.

- B. ID 19-1941 Receive a report, hold a discussion, and give staff direction regarding the cost recovery and resource allocation study for the Development Services Department.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with the proposed rates as outlined in the presentation.

The meeting was recessed for a short break at 1:17 p.m. and reconvened at 1:26 p.m.

- C. DCA19-0005b Receive a report, hold a discussion, and give staff direction regarding 2439 and 3167 House Bill draft ordinances and amendments to the 2019 Denton Development Code.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with the proposed ordinances and amendments to the 2019 Denton Development Code for presentation at a future meeting.

- D. ID 19-1948 Receive a report, hold a discussion and give staff direction on Solid Waste matters, including 1) the proposed FY 2019-20 Solid Waste Rates, 2) the valet pilot program, and 3) acceptance of guaranteed landfill tonnage under contract.

The presentation was made and discussion followed.

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

The meeting was recessed for a short break at 2:47 p.m. and reconvened at 2:56 p.m.

- E. ID 19-1930 Receive a report, hold a discussion, and give staff direction regarding the FY 2019-20 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

The presentation was made and discussion followed.

Following discussion, staff was directed to move forward with calculating cost of living wage adjustments for full-time and part-time employees for inclusion within the Fiscal Year 2019-2020 Budget being considered at a future meeting.

CLOSED MEETING - NOT HELD

- 1. The Closed Meeting was not held. Therefore, there was no deliberation of the following item:

- A. ID 19-1951 Consultation with Attorneys - Texas Government Code Section 551.071. Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the proposed agreements between the City and potential contractors for delivery of guaranteed tonnage to the landfill 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.

NOT DELIBERATED

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, August 20, 2019, at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, 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

- A. ID 19-1849 Payroll Week - ISSUED
- B. ID 19-1889 International Overdose Awareness Day - ISSUED
- C. ID 19-1922 Special Citizens Bond Advisory Committee - 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)

- William Freeman, 711 S. Carrol - voiced opposition of Council Member Armintor and read statement which addressed being blocked from social media

4. CONSENT AGENDA

The consent agenda consisted of Items 4.A-F. Items 4.A (ID 19-685) and 4.D (ID 1894) were pulled from consideration at staff's request earlier in the meeting.

Council Member Briggs moved to adopt the Consent Agenda, now consisting of items 4.B-C and 4.E-F. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

- B. ID 19-1850 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$19,352 of in-kind services and resources for the Denton Blues Festival, which will be held on Friday, September 20, 2019, from 11:00 a.m. to 11:00 p.m., Saturday, September 21, 2019, from 12:00 p.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1850

- C. ID 19-1851 Consider adoption of an ordinance of the City of Denton granting the Denton Black Chamber of Commerce a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for the Denton Blues Festival, which will be held on Friday, September 20, 2019 from 11:00 a.m. to 11:00 p.m., Saturday, September 21, 2019 from 12:00 p.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park; granting an increase in sound levels and a variance in the hours of operation on said dates for Friday from 11:00 a.m. to 11:00 p.m., Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 10:00 p.m., with sound not to exceed 70 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1851

- E. ID 19-1899 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal cooperation, authorizing the City Manager to execute a contract with Whirlix Design, Inc., for the Construction of Three (2019) Playgrounds for the Parks and Recreation Department; providing expenditure of funds therefor; and providing an effective date (RFP 7020 - awarded to Whirlix Design, Inc., in the not-to-exceed amount of \$352,791).

ASSIGNED ORDINANCE NO. 19-1899

- F. ID 19-1901 Consider approval of the minutes of August 5 and August 6, 2019.

ITEMS PULLED FROM CONSIDERATION

- A. ID 19-685 Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Saturday September 21, 2019, from 11:00 a.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

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

- D. ID 19-1894 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 Dannenbaum Engineering Company - Dallas, LLC, amending the contract approved by City Council on June 5, 2018, in the not-to-exceed amount of \$183,839.97; said first amendment to provide Professional Engineering Services for the 2018 Denton Sidewalks Project in the amount of \$135,715.59; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-007 - providing for an additional first amendment expenditure amount not-to-exceed \$135,715.59, for a total contract amount not-to-exceed \$319,555.56).

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1956 Consider approval of a resolution of the City of Denton to support all citizens and urge them to demonstrate kindness at every level of interaction with one another; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-1956

The presentation was made and no discussion followed.

Council Member Briggs moved to approve the item as presented. 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

B. ID 19-1954 Consider nominations/appointments to the City's Economic Development Partnership Board.

The presentation was made discussion followed.

Council Member Meltzer moved to appoint the following individuals to the City's Economic Development Partnership Board:

- John Baines, Denton Black Chamber of Commerce (re-appointment for 2019-2021)
- Bob Eames, Aviation (re-appointment for 2019-2021)
- Jill Jester, Chamber of Commerce (re-appointment for 2019-2021)
- Keely G. Briggs, City Council (re-appointment for 2019-2021)
- Chris Davis, Top 20 Taxpayer (re-appointment for 2019-2021)
- Jesse Davis, City Council (appointment to unexpired term for 2019-2020)

Motion seconded by Mayor Pro Tem Hudspeth. Motion carried.

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

NAYS (0): None

C. ID 19-1766 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics, Human Services Advisory Committee, and Traffic Safety Commission.

Council Member Ryan moved to appoint the following as noted:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Traffic Safety Commission	5	Armintor	Kevin	Sample	September 1, 2019 through August 30, 2021	Reappointment
Human Services Advisory Committee	7	Watts	Roy	Onyebetor	September 1, 2019 through August 30, 2021	Reappointment

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

As requested by Council Member Ryan earlier in the meeting, the appointment of Ms. Annetta Ramsay was considered on its own. Discussion followed.

Council Member Meltzer moved to appoint the following as noted:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Board of Ethics	5	Armintor	Annetta	Ramsay	September 1, 2019 through August 30, 2021	New (Pref.:9/Counselor)

Motion seconded by Council Member Armintor. Motion carried.

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

NAYS (3): Mayor Watts and Council Members Davis and Ryan

Mayor Watts called for speakers and the following came forward:

- Annetta Ramsay, 722 W. Oak Street - spoke on lawsuit, how tax issue has affected her appointment and residents being unhappy and wanting to move out of Denton

6. PUBLIC HEARINGS

- A. ID 19-1880 Hold a public hearing on a proposal to adopt a tax rate of \$0.605450 with a maximum allowable rate of \$0.628802 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

The presentation was made and no discussion followed.

The public hearing was opened and with no speakers coming forward, the public hearing was closed. No action was taken on the item as it was only a public hearing.

- B. ID 19-1692 Hold a public hearing on a proposal to adopt a resolution of no objection to the proposed new construction of Denton Grove Apartments in Denton to provide affordable and market rate rental housing, which will facilitate the developer's application for 4% housing tax credit with the Texas Department of Housing and Community Affairs.

The presentation was made and discussion followed.

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

- Jean Crew, 141 Springtree Street (Applicant) - in support of the item
- Jean Latsha, 5014 W. Frances Place - in opposition to the item

With no other speakers coming forward, the public hearing was closed. No action was taken on the item as it was only a public hearing.

- C. DCA19-0005e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance DCA18-0009q, by establishing a new effective date, amending Sections of the 2019 Denton Development Code to be consistent with House Bill 2439 regarding regulating building products, materials, or methods used in the construction or renovation of residential and commercial buildings; to be consistent with House Bill 3167 regarding municipal approval procedure for land development applications; and amendments related to Planned Development, Historic Landmark Commission composition, Certificate of Zoning Compliance procedure, Replat procedure, Buffer Points and Minimum Width Requirements, Certificate of Appropriateness procedure, Historic Landmark Designation procedure, Highway Corridor maximum building height, Suburban Corridor minimum front yard setback, allowing Elderly Housing, Tattoo and Body Piercing Parlor, General Personal Service, Donation Boxes, and Mobile Food Truck in certain Zoning Districts, minimum square footage for Single Family Detached Dwelling, Short Term Rental use-specific standards, Low-Impact Manufacturing use-specific standards, Accessory Dwelling Unit use-specific standards, Street Tree requirements, Parking and Loading requirements for Private School, Medical Office, and Elderly Housing, Parking Surface Materials, definitions for Dwelling Unit, Automotive Fuel Sales, Floor Area, General Retail, Mobile Food Court, Recreational Vehicle, Outdoor Storage, and Outside Storage, adding a definition for Mobile Food Truck, deleting the definition of Living Space, and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005e, 2019 DDC Amendments, Ron Menguita)

At staff's request, the item was withdrawn and not presented. City Attorney Leal advised there was no need for City Council to vote on withdrawal of the item as noted above.

- D. DCA19-0005f Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance DCA18-0009q, by establishing a new effective date, amending certain Sections of the 2019 Denton Development Code to be consistent with House Bills 2439 and 3167, and amending certain Sections of the 2019 Denton Development Code to provide clarification, make necessary corrections and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005f, 2019 DDC Amendments, Ron Menguita).

At staff's request, the item was withdrawn and not presented. City Attorney Leal advised there was no need for City Council to vote on withdrawal of the item as noted above.

- E. Z19-0006b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance 2015-217 to revise the overlay conditions on approximately 30.7 acres of land zoned Neighborhood Residential (NR-3) District, generally located on the southwest corner of Hinkle Drive and West Windsor 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. The Planning and Zoning Commission recommended approval of the request (6-1). (Z19-0006b, Fireside Addition, Julie Wyatt)

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 postpone the item until September 10th. Motion seconded by Council Member Ryan. Motion carried.

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

The meeting was recessed for a short break at 8:14 p.m. and reconvened at 8:23 p.m.

- F. DCA19-0006a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, suspending enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439 and HB 2497, passed by the 86th Legislature of the State of Texas and signed by Governor Greg Abbott on June 14, 2019; enacting selected interim amendments to preempted provisions of the Denton Development Code (Ord. 2002-040, as previously or hereafter amended), the 2019 Denton Development Code (Ord. DCA18-0009q, as it now exists or as it may be amended), and building code regulations; providing for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings, rules and procedures before the Zoning Board of Adjustment; providing for appeals; providing related directives to the City Manager; providing a conflict/savings clause; providing an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0006a, House Bill 2439, Ron Menguita)

ASSIGNED ORDINANCE NO. DCA19-0006a

Items 6.F (ID DCA19-0006a) and 6.G (ID DCA19-0007a) were collectively presented and discussed with the public hearings being opened and closed, with each item voted on individually.

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

Mayor Pro Tem Hudspeth 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

- G. DCA19-0007a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, suspending any conflicting application of those permitting and approval procedures related to subdivision and development plans or plats, contained in either the Denton Development Code (Ord. 2002-040, as previously or hereafter amended) or the 2019 Denton Development Code (Ord. DCA18-0009q, as it now exists or as it may be amended), to the limited extent that either conflicts with the provisions of HB 3167, passed by the 86th Legislature of the state of Texas and signed by Governor Greg Abbott on June 14, 2019, directing city staff to process all plans and plats as defined in HB 3167 in accordance with the provisions of HB 3167; providing for conflict/savings clause; and providing an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0007a, House Bill 3167, Ron Menguita)

ASSIGNED ORDINANCE NO. DCA19-0007a

Items 6.F (ID DCA19-0006a) and 6.G (ID DCA19-0007a) were collectively presented and discussed with the public hearings being opened and closed, with each item voted on individually.

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 Ryan. Motion carried.

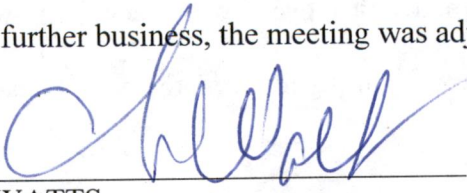
AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer


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 8:29 p.m.


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS


ZOLAINA PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 10, 2019