

CITY OF DENTON CITY COUNCIL MINUTES
September 10, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, September 10, 2019, at 1:02 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 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 this agenda.

- Consent Item 4.A (ID 19-2035) - Pulled for Individual Consideration. (Meltzer)
- Consent Item 4.B (ID 19-2173) - Pulled for Individual Consideration. (Briggs, Davis)
- Consent Item 4.C (ID 19-2174) - Pulled for Individual Consideration. (Meltzer)
- Consent Item 4.E (ID 19-2046) - Pulled for Individual Consideration. (Briggs)
- Consent Item 4.K (ID 19-2121) - Pulled for Individual Consideration. (Briggs)

3. Work Session Reports

- A. ID 19-2099 Receive a report, hold a discussion, and give staff direction regarding the Atmos rate-making process and the proposed Atmos 2019 natural gas rate increase.

The item was presented by Georgia Krump with Lloyd & Gosselink and discussion followed.

Following discussion, formal action scheduled during the Special Called Meeting being held later in the evening under Consent Item 4.E (ID 19-2046) pulled for individual consideration by Council Member Briggs.

- B. ID 19-1779 Receive a report, hold a discussion and give staff direction regarding credit and collections performance and processes.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was only for discussion purposes.

- C. ID 19-1961 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 item was presented and discussion followed.

Public input scheduled during the Special Called Meeting being held later in the evening under Public Hearing Items 6.A (ID 19-1882) and 6.B (ID 9-1884).

Following discussion, staff was directed to ensure funding for the power washer come from the general fund rather than TIRZ funds as well as to proceed with other recommended funding.

Consensus was to also look at funding close captioning in order to comply with ADA requirements, if required by State law.

The meeting was recessed at 2:49 p.m. for a short break and reconvened at 2:57 p.m.

- D. ID 19-2068 Receive a report, hold a discussion, and give staff direction regarding the nomination of members to the Board of Directors of the Denton Central Appraisal District.

The item was presented and discussion followed.

Council Member Ryan nominated Rick Woolfolk. First Assistant City Attorney Collister reported no second was required. Council Member Armintor nominated John Baines. Staff was directed to move forward and obtain information as to the nominees and schedule for formal appointment at a future meeting.

- E. ID 19-2112 Receive a report, hold a discussion, and give staff direction on confidentiality agreements and non-disclosure agreements.

The item was presented and discussion followed.

Following discussion, staff was directed to review the modification of the ordinance to provide clarity on when staff is authorized to enter into non-disclosure agreements or confidentiality agreements and return for further discussion at a future meeting.

- F. ID 19-2083 Receive a report, hold a discussion, and give staff direction on pending City Council requests for information.

Mayor Watts outlined the rule that if a council member was silent during the debate process, that would indicate the member was not in support. There was no objection voiced by the City Council.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 1 - Develop Statement on the Confederate Monument in the Courthouse Square and issue a resolution in support of a Lynching Memorial to be located on the Courthouse Square (Arminton)
 - Consensus to have staff develop an Informal Staff Report (ISR) Statement on the Confederate Monument in the Courthouse Square
 - Consensus to issue a resolution in support of a Lynching Memorial to be located on the Courthouse Square
- Item 2 - Develop ordinance to all horse-drawn carriage and horseback riding on City rights-of-way (Ryan)
 - Consensus to discuss at a future work session
- Item 3 - Request for public safety use of doorbell monitoring technology work session (Hudspeth)
 - No consensus to discuss at a future work session
- Item 4 - Executive Residency Information (Briggs)
 - Consensus to discuss at a future work session
- Item 5 - Green Buildings and Impact Fees (Meltzer)
 - Consensus to discuss at a future work session

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:34 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. The Closed meeting was recessed for a short break at 4:34 p.m., and reconvened at 4:46 p.m.
 - A. ID 19-2104 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, consult with the City's attorneys, and provide direction pertaining to potential acquisition and use of the facility located at 401 North Elm Street, 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 any administrative proceeding or potential litigation.
DELIBERATED

Council Member Davis had a conflict of interest and left the Work Session Room.

- B. ID 19-2133 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys regarding legal matters associated with non-disclosure agreements and/or confidentiality agreements and related policies; where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

NOT DELIBERATED

The Closed Meeting ended at 5:16 p.m. Agenda Item 1.A (ID 19-2104) was deliberated. Agenda Item 1.B (ID 19-2133) was not deliberated. No votes or actions were taken during the Closed Meeting.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, September 10, 2019, at 6:33 p.m. in the City 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 First Assistant City Attorney Larry Collister

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 19-1845 The 50th Anniversary Year of Denton Community Theatre - ISSUED
- B. ID 19-1986 Live United Month - ISSUED
- C. ID 19-2066 Celebrate Our Daily Bread's 1 Millionth Meal - 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)

- Eva Grecco, 802 W. Oak St., Apt. 5 - on public transportation, bus schedule changes, and lack of appropriate service to meet her/public needs
- Brian Web, 4112 High Rd, Flower Mound - on seeking support for appointment to the Denton Central Appraisal District and service to the community

4. **CONSENT AGENDA**

The consent agenda consisted of Items 4.A-K. During the Work Session held earlier in the day, Item 4.A (ID 19-2035) was pulled for individual consideration by Council Member Meltzer. Item 4.B (ID 19-2173) was pulled for individual consideration by Council Members Briggs and Davis. Item 4.C (ID 19-2174) was pulled for individual consideration by Council Member Meltzer. Item 4.E (ID 19-2046) was pulled for individual consideration by Council Member Briggs. Item 4.K (ID 19-2121) was pulled for individual consideration by Council Member Briggs.

Council Member Briggs moved to adopt the Consent Agenda, now consisting of items 4.D and 4.F-J. 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

- D. ID 19-2045 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 Doxim Utilitec, LLC, for Utility and Miscellaneous Bill Print and Mail Services; providing for the expenditure of funds therefor; and providing an effective date (RFP 6975 - awarded to Doxim Utilitec, LLC, in the five (5) year not-to-exceed amount of \$1,951,725). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 19-2045

- F. ID 19-2080 Consider approval of the minutes of August 17 and August 20, 2019.

- G. ID 19-2082 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).

ASSIGNED ORDINANCE NO. 19-2082

- H. ID 19-2090 Consider adoption of an ordinance of the City of Denton approving a Consent to Assignment of an Airport Lease between Greenpoint Aerospace Corporation and US Trinity Holding, LLC; and providing an effective date. Council Airport Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 19-2090

- I. ID 19-2093 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 Garver, LLC, amending the contract approved by City Council on August 21, 2018, in the not-to-exceed amount of \$520,920; said first amendment to provide the construction administration service for the Lake Lewisville Water Treatment Plant Dewatering Facility in the amount of \$255,092; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-025 - providing for an additional first amendment expenditure amount not-to-exceed \$255,092, for a total contract amount not-to-exceed \$776,012).

ASSIGNED ORDINANCE NO. 19-2093

- J. ID 19-2111 Consider and confirm the re-appointment by the City Manager of Darhyl Ramsey to the Civil Service Commission for the term beginning September 1, 2019 and ending August 30, 2022.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- A. ID 19-2035 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the University of North Texas for its Denton Community Television PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-2035

Pulled for individual consideration by Council Member Meltzer.

Council Members Armintor and Meltzer had a conflict of interest and left the Council Chambers.

Items 4.A and 4.C were collectively read into the record. There was no presentation and no discussion on the item.

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

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

NAYS (0): None

ABSTAIN (2): Council Members Armintor and Meltzer

- C. ID 19-2174 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the University of North Texas for its NTTV PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-2174

Pulled for individual consideration by Council Member Meltzer.

Council Members Armintor and Meltzer had a conflict of interest and left the Council Chambers.

Items 4.A and 4.C were collectively read into the record. There was no presentation and no discussion on the item.

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

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

NAYS (0): None

ABSTAIN (2): Council Members Armintor and Meltzer

- B. ID 19-2173 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the Denton Independent School District for its PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-2173

Pulled for individual consideration by Council Members Briggs and Davis.

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

There was no presentation and no discussion on the item.

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

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

NAYS (0): None

ABSTAIN (1): Council Member Davis

- E. ID 19-2046 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas municipal home-rule corporation, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

ASSIGNED ORDINANCE NO. 19-2046

Pulled for individual consideration by Council Member Briggs.

The issue was initially discussed during the Work Session held earlier in the day under Item 3.A (ID 19-2099).

There was no presentation and no discussion on the item.

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

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

NAYS (1): Council Member Briggs

- K. ID 19-2121 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and DDM Construction Corporation, for the Bonnie Brae Roundabout; providing for the expenditure of funds therefor; and providing an effective date (IFB 7027 - Change Order No. 1 in the not-to-exceed amount of \$585,310.35 for a total contract award aggregated to \$3,490,847.05).

ASSIGNED ORDINANCE NO. 19-2121

Pulled for individual consideration by Council Member Briggs.

There was no presentation and no discussion on the item.

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

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

NAYS (1): Council Member Briggs

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1978 Receive a presentation for an ordinance of the City of Denton, Texas, which would amend the City of Denton Code of Ordinances Section 2-29 to add that members of the public addressing the body through a translator will be given at least twice the amount of time as members of the public not requiring a translator.

The presentation was made and no discussion followed on the item.

No action was required as the item required only a presentation under the City Council Rules of Procedure.

- B. Z19-0006d 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). THIS ITEM WAS POSTPONED AT THE AUGUST 20, 2019 CITY COUNCIL MEETING. (Z19-0006d, Fireside Addition, Julie Wyatt)

The presentation was made and discussion followed.

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

- Casey McGinnis (Applicant), 2570 Justin Road, Highland Village - in support of the proposed development and particulars on the proposed fencing through the planning process; will withdraw the application if not approved as proposed under the application submitted
- Jack Frisby, 405 Magnolia - in opposition to the item

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

Mayor Pro Tem Hudspeth moved to approve the item with staff's recommendations and conditions to remove the wood fence and accept the developer's offer to go back to wrought iron fence and street trees. Following discussion, the motion was withdrawn.

Council Member Davis moved to deny the item. Motion died due to lack of a second.

Council Member Ryan moved to postpone the item indefinitely. Motion seconded by Mayor Pro Tem Hudspeth.

During further discussion, Mayor Pro Tem Hudspeth Called the Question.

The meeting was recessed at 8:20 p.m. to allow research on the method to consider on Calling the Question and was reconvened at 8:28 p.m.

Following further discussion, Mayor Pro Tem Hudspeth withdrew his motion to Call the Question.

Mayor Watts called the vote on Council Member Ryan's motion, seconded by Mayor Pro Tem Hudspeth, to postpone the item indefinitely. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, and Meltzer

NAYS (2): Council Members Briggs and Armintor

- C. ID 19-2044 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 Archer Western Construction, LLC, for the construction of Lake Lewisville Water Treatment Plant (LLWTP) filter backwash and sedimentation basin wash-down residuals dewatering facility for the Wastewater Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7096 - awarded to Archer Western Construction, LLC, in the not-to-exceed amount of \$8,124,640). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 19-2044

The presentation was made and no discussion followed.

Mayor Pro Tem Hudspeth 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

- D. ID 19-2030 Consider nominations and appointments to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ), including appointment of a chairperson.

The presentation was made and no discussion followed.

Mayor Pro Tem Hudspeth moved to appoint the following as noted:

MEMBER FIRST NAME	MEMBER LAST NAME	NEW TERM
Gerard	Hudspeth	September 1, 2019 through August 31, 2021
Alex	Payne	September 1, 2019 through August 31, 2021
John	Lenz	September 1, 2019 through August 31, 2021
Melissa	Lenaburg Chair	September 1, 2019 through August 31, 2021

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

- E. ID 19-2060 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board.

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
Airport Advisory Board	2	Briggs	Robert	Ismert	September 1, 2019 through August 31, 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

- F. ID 19-2069 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for the payment of wholesale transmission charges in the total amount of \$1,884,599.05 to Cross Texas Transmission for \$107,104.68, Electric Transmission Texas, LLC for \$400,935.39, Lone Star Transmission for \$132,410.26, Lower Colorado River Authority for \$634,435.18, Wind Energy Transmission Texas for \$93,796.66, ONCOR - NTU for \$515,916.88 and, providing an effective date.

ASSIGNED ORDINANCE NO. 19-2069

The presentation was made and no discussion followed.

Council Member Briggs 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

- G. ID 19-2073 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 Sun Coast Resources, Inc., for the supply of corrosion inhibitor and monopropylene glycol cooling water additives for Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7065 - awarded to Sun Coast Resources, Inc., in the three (3) year not-to-exceed amount of \$87,045).

ASSIGNED ORDINANCE NO. 19-2073

The presentation was made and discussion followed on the item.

Council Member Ryan 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

- H. ID 19-2105 Consider adoption of an ordinance of the City of Denton, a Texas municipal home-rule corporation, approving an agreement between DB Denton II, LLC., a Delaware limited liability company, Allegiance Hillview, L.P., a New York limited partnership, and the City regarding the funding and construction of sanitary sewer improvements which are adjacent to and will serve portions of the Rayzor Ranch Development; and, providing for an effective date.

ASSIGNED ORDINANCE NO. 19-2105

The presentation was made and no discussion followed on the item.

Council Member Meltzer moved to approve 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

6. PUBLIC HEARINGS

- A. ID 19-1882 Hold a public hearing on a proposal to adopt a tax rate of \$0.590454 with a maximum allowable rate of \$0.628802 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

The issue was initially discussed during the work session held earlier in the day under Item 3.C (ID 19-1961).

The presentation was made and discussion followed on the item.

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 19-1884 Hold a public hearing and receive citizen input on the FY 2019-20 Proposed Budget.

The issue was initially discussed during the work session held earlier in the day, Item 3.C (ID 19-1961).

There was no additional presentation or discussion on the item.

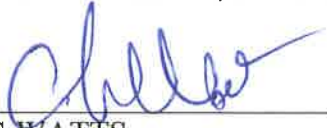
The public hearing was opened; and with no speakers coming forward, the public hearing was closed.


No action was taken on the item as it was only a public hearing.

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 9:30 p.m.


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS


ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 24, 2019