

CITY OF DENTON CITY COUNCIL MINUTES  
October 8, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, October 8, 2019, at 12:01 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, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: Council Members Jesse Davis

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

**WORK SESSION**

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

- Consent Item 1.N (ID 19-2351) - Dalton Gregory, 2408 Emerson
- Consent Item 1.N (ID 19-2351) - Carol Lynn Mizell, 2722 Crestwood Place

Council Member Armintor arrived at 12:04 p.m.

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

- Consent Item 1.G (ID 19-2305) - As requested, staff provided clarification as to the item being the same plan proposed in the most recent Friday Report. (Briggs)
- Consent Item 1.J (ID 19-2312) - As requested, staff provided clarification as to the processing of sexual assault kits and expected timeframe for completion. (Briggs, Armintor)
- Consent Item 1.A (ID 19-2182) and 1.B (ID 19-2237) - As requested, staff provided clarification regarding the funding for the items having been previously budgeted. (Meltzer)
- Work Session 3.F (ID 19-2134) - Pulled from discussion to allow for the Planning and Zoning Commission to first consider and present recommendations to City Council. (Watts)

**3. Work Session Reports**

- A. ID 19-2036 Receive a report, hold a discussion and give staff direction regarding the 2019-20 audit plan.

The presentation was made and discussion followed.

Mayor Pro Tem Hudspeth arrived at 12:27 p.m.

Following discussion, the City Attorney's Office was directed to provide a report with facts surrounding a specific litigation case. The City Auditor's Office was directed to update the Audit Plan for presentation and adoption at a future meeting.

The meeting was recessed at 12:51 p.m. for a short break and reconvened at 1:02 p.m.

- B. ID 19-2037 Receive a report, hold a discussion, and give staff direction regarding an internal audit of Roadway Quality Management.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was only to provide a report as to the audit of Roadway Quality Management.

- C. ID 19-2039 Receive a report, hold a discussion, and give staff direction regarding an internal audit of the Accounts Payable Division.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was only to provide a report as to the audit of the Accounts Payable Division.

- D. ID 19-2350 Receive a report, hold a discussion and give staff direction regarding the potential restriction of on-street parking along the west side of Hinkle Drive between Windsor Drive and University Drive.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with Option 2 which consisted of 9-10' protected bike lanes on both sides and no parking lane on the west side.

The meeting was recessed at 2:03 p.m. for a short break and reconvened at 2:14 p.m.

- E. ID 19-2086 Receive a report, hold a discussion, and give staff direction on pending City Council requests for information.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 1 - Monument to Women's Interracial Fellowship (Meltzer)
  - Consensus to develop an Informal Staff Report (ISR)

- Item 2 - Criminal Trespassing on Public Property (Armintor)
    - No consensus to discuss at a future work session
  - Item 3 - Solid Waste rates and recent changes to residential curbside program (Briggs)
    - Consensus to discuss at a future work session in approximately two (2) months
- F. ID 19-2134 Receive a report, hold a discussion and give staff direction regarding Changes to Subchapter 1: General Standards, Subchapter 6: Gas Wells, and Subchapter 8: Subdivision of the Denton Development Code related to reverse setbacks and associated definitions and appeal procedures.

As noted earlier in the Work Session, the item was pulled from discussion by Mayor Watts to allow for the Planning and Zoning Commission to first consider and present recommendations to City Council.

### **CLOSED MEETING**

Mayor Watts announced the Closed Meeting would be held after the Special Called 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, October 8, 2019, at 2:28 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, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: Council Member Jesse Davis

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

#### **1. CONSENT AGENDA**

The consent agenda consisted of Items 1.A-P. No items were removed for individual consideration.

Council Member Ryan moved to adopt the Consent Agenda 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

ABSENT (1): Council Member Davis



- A. ID 19-2182 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, providing for a coordinated process for child abuse investigations; providing for client and clinical services to victims of child abuse and non-offending family members; and providing for the expenditure of funds in the amount of \$165,485.47 therefor; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2182**

- B. ID 19-2237 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Denton and United Way of Denton County, Inc. providing for the expenditure of funds in the amount of \$40,000 for a matching grant to fund the Barriers Fund for the prevention and diversion of homelessness in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2237**

- C. ID 19-2243 Consider adoption of an ordinance of the City of Denton, Texas, approving the continued receipt of bingo prize funds; amending Chapter 10 of the code of ordinances by adding Section 10-82 imposing a bingo prize fee on bingo prize money collected in the City after January 1, 2020; making other findings and provisions related thereto; authorizing the City Manager or his designee to execute and submit a verification notice to the Texas Lottery Commission and provide notice to licensed bingo organizations; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2243**

- D. ID 19-2248 Consider adoption of an ordinance of the City of Denton, granting The Village Church Denton an increase in sound levels and a variance in the hours of operation pursuant to section 17-20 of the City of Denton code of ordinances, with respect to sound levels and hours of operation for the Celebration Service, which will be held on Sunday, October 20, 2019, from 10:00 a.m. to 11:00 a.m., at the South Lakes Park; with sound not to exceed 70 decibels; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2248**

- E. ID 19-2252 Consider approval of a resolution of the City of Denton, Texas, authorizing the City Manager or his designee, to accept the Tex Treasures Grant #TXT-20003 for SFY 2020 (Federal Award Identification No. LS-00-19-0044-19) from the Texas State Library and Archives Commission through the Institute of Museum and Library Services in the amount of \$24,820.00, for the period of September 1 through August 31, 2020; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-2252**

- F. ID 19-2265 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home rule municipal corporation, authorizing the City Manager to expend funds for payment by the City of Denton to the Texas Commission on Environmental Quality for the annual Consolidated Water Quality Fee for operation of the Pecan Creek Water Reclamation Plant;

and providing an effective date. (Consolidated Water Quality Fee in the total not-to-exceed amount of \$127,000.00). The Public Utilities Board recommends approval (7-0).

**ASSIGNED ORDINANCE NO. 19-2265**

- G. ID 19-2305 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for approval of a pre-qualified professional services list for Solid Waste/Landfill including Planning, Engineering Design, and Facility Permitting; Construction Documents, Technical Specifications, and Construction Management; Environmental Services; Landfill Planning and Engineering Services; Landfill Gas Services; and Drone and Surveying Services; and providing an effective date (RFQ 7109). The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 19-2305**

- H. ID 19-2306 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 NO-DIGTEC, LLC, through The Interlocal Purchasing System (TIPS) Cooperative Program Contract # 171105 for the supply of pipe bursting and related services for Wastewater Utilities; providing for the expenditure of funds therefor; and providing an effective date (File 7165 - awarded to NO-DIGTEC, LLC, in the amount of \$642,350). The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 19-2306**

- I. ID 19-2307 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 Cable Contractors, LLC dba Contract Services and Equipment, for fiber optic services for Technology Services; providing for the expenditure of funds therefor; and providing an effective date (RFP 7051 - awarded to Cable Contractors, LLC dba Contract Services and Equipment, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,000,000).

**ASSIGNED ORDINANCE NO. 19-2307**

- J. ID 19-2312 Consider approval of a resolution of the City of Denton, Texas, authorizing the City Manager, or his designee, to accept the National Sexual Assault Kit Initiative (SAKI) for Small Agencies Grant (Grant No. 2019-AK-BX-0026) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in the amount of \$499,890.00; for the period of October 1, 2019 through September 30, 2022; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-2312**

- K. ID 19-2314 Consider approval of the minutes of September 17, 2019.

- L. ID 19-2334 Consider adoption of an ordinance of the City of Denton granting the Denton Day of the Dead Festival Inc. a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton's Day of the Dead Festival, which will be held



on Saturday, October 26, 2019, from 11:00 a.m. to 11:00 p.m., at Industrial Street and Hickory Street in Denton, Texas; granting an increase in sound levels and a variance in the hours of operation on said date from 11:00 a.m. to 11:00 p.m., with sound not to exceed 75 decibels; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2334**

- M. ID 19-2347 Consider adoption of a resolution of the City of Denton adopting the 2019-2020 City Council priorities of the City of Denton for the fiscal year beginning on October 1, 2019 and ending on September 30, 2020; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-2347**

- N. ID 19-2351 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed \$1,928 of in-kind services and resources for the Denton Community Band concerts, which will be held on Sunday, October 27, 2019, from 2:00 p.m. to 5:00 p.m., and Friday, June 5, 2020, from 6:00 p.m. to 9:00 p.m., at the Denton Civic Center; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2351**

- O. ID 19-2353 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed \$2,002 of in-kind services and resources for the Denton County Veterans Coalition Stand-Down, which will be held on Thursday, October 24, 2019, from 9:00 a.m. to 3:00 p.m., with event set up on Wednesday, October 23, 2019, from 2:00 p.m. to 5:00 p.m., at the Denton Civic Center; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2353**

- P. ID 19-2363 Consider adoption of an ordinance of the City of Denton, authorizing the execution of a Joint Election Agreement and Contract with Denton County for joint election services for the Denton Special Election to be held on November 5, 2019, within said City on the question of the issuance of \$221,519,000 in ad valorem tax supported public securities for streets, public safety, parks and public art, at a total estimated cost of \$51,361.41; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2363**

**2. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. HLC19-030b Consider approval of a resolution of the City of Denton, Texas adopting the vision, value statements, goals, policies, recommendations, and the implementation matrix proposed in the Denton Historic Preservation Plan prepared by the Lakota Group, dated August 28, 2019; and providing an effective date. (HLC19-030b, Historic Preservation Plan, Ron Menguita)

The presentation was made and discussion followed.

The following registered speaker was called on the item:

- Randy Hunt, 722 W. Oak Street - addressed concerns as to the role of HPO, focus on initiatives and not rules, and move role out of Development Services as it is more effective under the Economic Development Department

Following further discussion, staff was directed to revise the plan as discussed for presentation at a future meeting.

The meeting was recessed at 4:02 p.m. for a short break and reconvened at 4:09 p.m.

- B. ID 19-2267 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving and authorizing the City Manager to execute an interlocal cooperation agreement with Wise County, providing for a guaranteed volume agreement for the landfill; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2267**

Items 2.B (ID 19-2267), 2.C (ID 19-2268), 2.D (ID 19-2269), 2.E (ID 19-2270), and 2.F (ID 19-2271) were collectively read into the record, presented and discussed, with each item voted on individually.

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

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs and Ryan

NAYS (2): Council Members Armintor and Meltzer

ABSENT (1): Council Member Davis

- C. ID 19-2268 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 Frontier Access, LLC., providing for a guaranteed volume contract for the landfill; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2268**

Items 2.B (ID 19-2267), 2.C (ID 19-2268), 2.D (ID 19-2269), 2.E (ID 19-2270), and 2.F (ID 19-2271) were collectively read into the record, presented and discussed, with each item voted on individually.

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

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs and Ryan

NAYS (2): Council Members Armintor and Meltzer

ABSENT (1): Council Member Davis

- D. ID 19-2269 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 Community Waste Disposal Inc., providing for a guaranteed volume contract for the landfill; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2269**

Items 2.B (ID 19-2267), 2.C (ID 19-2268), 2.D (ID 19-2269), 2.E (ID 19-2270), and 2.F (ID 19-2271) were collectively read into the record, presented and discussed, with each item voted on individually.

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

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs and Ryan

NAYS (2): Council Members Armintor and Meltzer

ABSENT (1): Council Member Davis

- E. ID 19-2270 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 Waste Connections Lone Star, Inc., providing for a guaranteed volume agreement for the landfill; and providing an effective date.

Items 2.B (ID 19-2267), 2.C (ID 19-2268), 2.D (ID 19-2269), 2.E (ID 19-2270), and 2.F (ID 19-2271) were collectively read into the record, presented and discussed, with each item voted on individually.

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Ryan. Motion failed due to a tie vote.

AYES (3): Mayor Watts, Mayor Pro Tem Hudspeth and Council Member Ryan

NAYS (3): Council Members Briggs, Armintor, and Meltzer

ABSENT (1): Council Member Davis

NOTE: Under the City Code of Ordinances, Subpart A, Article II, Section 2-29(g)(5)(a), matters voted on by the city council which end in a tie-vote shall automatically be placed on each subsequent council meeting agenda until a full council is present.

- F. ID 19-2271 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 Allied Waste Services of Fort Worth, LLC., providing for a guaranteed volume contract for the landfill; and providing an effective date.

Items 2.B (ID 19-2267), 2.C (ID 19-2268), 2.D (ID 19-2269), 2.E (ID 19-2270), and 2.F (ID 19-2271) were collectively read into the record, presented and discussed, with each item voted on individually.



Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Ryan. Motion failed due to a tie vote.

AYES (3): Mayor Watts, Mayor Pro Tem Hudspeth and Council Member Ryan

NAYS (3): Council Members Briggs, Armintor, and Meltzer

ABSENT (1): Council Member Davis

NOTE: Under the City Code of Ordinances, Subpart A, Article II, Section 2-29(g)(5)(a), matters voted on by the city council which end in a tie-vote shall automatically be placed on each subsequent council meeting agenda until a full council is present.

- G. ID 19-2316 Consider adoption of an ordinance approving an amended agreement by and between the City of Denton and the Denton Community Theater, Inc., relocating the location of rehearsal space; authorizing the City Manager to execute the first amendment; approving the expenditure of funds therefor; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2316**

The presentation was made and discussion followed.

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

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

NAYS (0): None

ABSENT (1): Council Member Davis

- H. ID 19-2293 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics and Zoning Board of Adjustment.

There was no presentation and no discussion on the item.

Council Member Briggs 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	6	Meltzer	Larry	Beck	UNEXPIRED September 1, 2018 through August 31, 2020	New (Pref.: 0/Other)
Zoning Board of Adjustment	6	Meltzer	Emily	Meisner	September 1, 2019 through August 31, 2020	Reappointment

Motion seconded by Council Member Meltzer. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Davis

### 3. 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.

The Special Called Meeting ended at 4:35 p.m.

### CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:35 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 19-2217 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the Municipal Judge and City Auditor.

**NOT DELIBERATED**

- B. ID 19-2337 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 Cisco 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.

**DELIBERATED**

- C. ID 19-2417 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with changes to Subchapter 6: Gas Wells of the Denton Development Code related to reverse setbacks and associated definitions, appeal procedures, and legal issues associated with pending development applications; 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 started at 4:39 p.m. and ended at 5:03 p.m. Item 1.A (ID 19-2217) and Item 1.C (ID 19-2417) were not deliberated. No votes or actions were taken during the Closed Meeting.

With no further business, the meeting was adjourned at 5:03 p.m.



CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: October 22, 2019