

CITY OF DENTON CITY COUNCIL MINUTES

January 14, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, January 14, 2020, at 1:01 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, 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 1.D (20-062) - Pulled for individual consideration. (Davis, Meltzer)
- Consent Item 1.H (20-157) - Pulled for individual consideration. (Meltzer)

Council Member Armintor arrived at 1:03 p.m.

3. Work Session Reports

- A. ID 19-2883 Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update, with a focus on the downtown area of the city.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed as proposed on the draft Thoroughfare Plan, Bicycle Plan, and Pedestrian Plans, with additional components of each draft plan to be presented at upcoming work sessions.

Other Work Session items were held to follow the closed meeting.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 2:38 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. Discussion on Item 1.B (ID 20-178) was held later in the day.

- A. ID 20-139 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys and discuss legal status, expenses and strategy in Cause No. 19-10653-442, styled "Stonetown Country View, LLC v. City of Denton, Texas and Board of Adjustment for City of Denton, Texas" pending in the 442nd Judicial District Court, Denton County, Texas; 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 pending litigation.

DELIBERATED

The Closed Meeting started at 2:44 p.m. and ended at 3:21 p.m. No votes or actions were taken during the Closed Meeting.

WORK SESSION - CONTINUED

The Work Session was reconvened at 3:24 p.m.

- B. ID 19-2914 Receive a report, hold a discussion, and give staff direction on polling locations for the May 2, 2020 General and Special Elections, and any runoff election if applicable.

Council Member Meltzer had a conflict of interest on the item and left the Work Session Room.

The item was presented and discussion followed.

Following discussion, staff was directed to continue with proposed locations that would keep continuity with those used in previous years, with both the Civic Center and Texas Woman's University being used for early voting.

- C. ID 19-2843 Receive a report, hold a discussion, and give staff direction regarding the results of 2019 gas well inspection activities and annual summary report by Modern Geosciences.

The item was presented and discussion followed.

Council Member Davis arrived at 3:45 p.m.

The Work Session was recessed for a short break at 4:58 p.m. and reconvened at 5:04 p.m.

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

CLOSED MEETING – CONTINUED

1. The City Council convened into a Closed Meeting at 5:04 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - B. ID 20-178 Consultation with Attorneys - Under Texas Government Code Section 551.701. "Consult with the City's attorneys regarding legal issues and strategies regarding the application for an Air Quality Standard Permit, Registration 150931, which would authorize the construction of a Permanent Concrete Crusher Application, filed by Mutual First, LLC with the Texas Commission on Environmental Quality (TCEQ) and associated land use issues for property located at 5120 E. University Drive, where a public discussion of the 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."

DELIBERATED

The Closed Meeting started at 5:05 p.m. and ended at 5:43 p.m. No votes or actions were taken during the Closed Meeting as Consent Agenda Item 3.H (20-157), pulled for individual consideration, was being considered later during the Special Called Meeting.

WORK SESSION - CONTINUED

The Work Session was reconvened at 5:47 p.m.

- D. ID 19-2723 Receive a report, hold a discussion, and give staff direction regarding an internal audit of the City's Economic Development Program.

The item was presented and discussion followed.

Following discussion, staff was directed to follow up on recommendations resulting from the audit results to enhance reporting tools already in place.

- E. ID 20-173 Receive a report, hold a discussion, and give staff direction regarding the potential inclusion of Whitetail/Wolf Ridge wind farm physical energy deliveries in calculating total renewable resource percentages under the Denton Renewable Resource Plan.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with Option 3 (Credit all RECs held in DME account towards 100% renewable goal) and prepare a resolution for adoption at an upcoming meeting.

The Work Session was recessed for a short break at 7:43 p.m. and reconvened at 7:47 p.m.

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, January 14, 2020, at 7:47 p.m. in the 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

1. CONSENT AGENDA

The consent agenda consisted of Items 1.A-H. During the Work Session held earlier in the day, Item 1.D (ID 20-062) was pulled for individual consideration by Council Members Davis and Meltzer. Item 1.H (ID 20-157) was pulled for individual consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of items 1.A-C and 1.E-G. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- A. ID 19-2973 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for hydraulic and alignment study and analysis, design engineering report, final design, bid phase support, and construction administration services for the Northwest Booster Pump Station and Water Transmission Main as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-081 - Professional Services Agreement for design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$1,398,600).

ASSIGNED ORDINANCE NO. 19-2973

- B. ID 20-040 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for utility conflict analysis, surveying, easement acquisition, design, bidding and construction administration services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35E Right-of-Way; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-084 Professional Services Agreement awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$922,800).

ASSIGNED ORDINANCE NO. 20-040

- C. ID 20-042 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with O'Brien Engineering, Inc. for engineering services relating to the erosion issues along Cooper Creek, in a section behind Burning Tree Lane; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-066 - Professional Services Agreement for engineering services awarded to O'Brien Engineering, Inc., in the not-to-exceed amount of \$64,446).

ASSIGNED ORDINANCE NO. 20-042

- E. ID 20-121 Consider approval of the minutes of December 17, 2019.

- F. ID 20-129 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving proposals from Media Rushworks, LLC dba RUSHWORKS, and authorizing the expenditure of funds for audio and video upgrades for the DTV platform including the DTV control room, the Council Chamber, and the Work Session room; providing for the expenditure of funds therefor; and providing an effective date (RFP 7234 - awarded to Media Rushworks, LLC dba RUSHWORKS, for a total five (5) year not-to-exceed amount of \$129,200).

ASSIGNED ORDINANCE NO. 20-129

- G. DCA19-0023b Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. DCA19-0023a relating to MD and SC Zoning Districts; providing a savings clause and an effective date. (DCA19-0023b, Offices in R7, Julie Wyatt)

ASSIGNED ORDINANCE NO. DCA19-0023b

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- D. ID 20-062 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an agreement between Denton Independent School District and the City of Denton for participation in the Advanced Technology Complex Practicum of Law, Public Safety, Corrections, and Security Program for the 2019-2020 Academic Year; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-062

Pulled for individual consideration by Council Member Davis and Meltzer.

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

The item was presented and no 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

ABSTAIN (1): Council Member Davis

- H. ID 20-157 Consider approval of a resolution of the City of Denton opposing the application for an Air Quality Standard Permit, Registration 159031, which would authorize the construction of a Permanent Concrete Crusher by Mutual First, LLC at 5120 East University Drive, Denton, Denton County, Texas, directing said opposition be delivered to the Texas Commission on Environmental Quality (TCEQ), and requesting denial of the application.

ASSIGNED RESOLUTION NO. 20-157

Pulled for individual consideration by Council Member Meltzer.

Corresponding Closed Meeting Item 1.B (20-178) was deliberated earlier in the meeting.

The item was presented and discussion followed.

Council Member Meltzer 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

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-2981 Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (d) (Types of Meetings) adding language to officially adopt long standing practices for scheduling regular meetings of the City Council and for addressing holidays; providing for a severability clause; and providing for an effective date.

The item was held for later in the meeting at staff's request.

- B. ID 20-024 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2019-2020 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Parks Gas Well Fund of seventy one thousand dollars (\$71,000) for the purpose of funding improvements to the American Legion Hall, allowing adjustments to the capital improvement program of thirty five million three hundred fifty thousand dollars (\$35,350,000) for the purpose of funding improvements to the City's Fleet Services Building, City Hall West renovations and projects included in the 2019 bond election; declaring a public purpose; providing a severability clause; an open meetings clause and effective date.

ASSIGNED ORDINANCE NO. 20-024

The item was presented and discussion followed.

Council Member Ryan 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

- A. ID 19-2981 Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (d) (Types of Meetings) adding language to officially adopt long standing practices for scheduling regular meetings of the City Council and for addressing holidays; providing for a severability clause; and providing for an effective date.

Earlier in the meeting, the item was held for presentation at staff's request.

The item was presented and no discussion followed.

There was no staff direction given. Staff to present formal action on January 28th along with other proposed amendments to the City Council Rules of Procedure.

- C. ID 19-2852 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the General Government (\$33,455,000) and Fleet Services (\$2,900,000) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$36,355,000; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2852

The item was presented and discussion followed.

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

- D. ID 20-093 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 through the Buy Board Cooperative Purchasing Network Contract Number 601-19, for the purchase of nine (9) new refuse trucks for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7232 - awarded to Rush Truck Centers of Texas, LP, in the not-to-exceed amount of \$2,514,946).

ASSIGNED ORDINANCE NO. 20-093

The item was presented and discussion followed.

Council Member Ryan moved to approve the item as presented. 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

- E. ID 20-167 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Scott Brown Properties, Inc. dba Scott Brown Commercial, for 216 W. Oak St., from the Downtown Reinvestment Grant Program not to exceed \$12,500; and providing for an effective date. The Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board recommends approval (5-0). THIS ITEM HAS BEEN PLACED ON THE AGENDA DUE TO A TIE VOTE AT THE JANUARY 7, 2020 CITY COUNCIL MEETING.

ASSIGNED ORDINANCE NO. 20-167

There was no presentation on the item as the item carried over under Council Rules of Procedure, Section 2-29, (g)(5)(a), due to a tie vote at the January 7th Regular Meeting.

Discussion followed.

Council Member Armintor moved to adopt the item as presented. Motion seconded by Council Member Briggs. Following discussion, Council Member Briggs withdrew her second. Council Member Meltzer then seconded the motion.

Council Member Ryan moved to adopt/amend the item to provide for a grant amount of \$25,000. Amending motion was seconded by Council Member Briggs. Amendment carried.

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

NAYS (2): Council Members Armintor and Meltzer

- F. ID 20-168 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Scott Brown Properties, Inc. dba Scott Brown Commercial, for 211 and 215 N. Cedar St., from the Downtown Reinvestment Grant Program not to exceed \$12,500; and providing for an effective date. The Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board recommends approval (5-0). THIS ITEM HAS BEEN PLACED ON THE AGENDA DUE TO A TIE VOTE AT THE JANUARY 7, 2020 CITY COUNCIL MEETING.

ASSIGNED ORDINANCE NO. 20-168

There was no presentation on the item as the item carried over under Council Rules of Procedure, Section 2-29, (g)(5)(a), due to a tie vote at the January 7th Regular Meeting.

Following discussion, Council Member Ryan moved to adopt/amend the item to provide for a grant amount of \$25,000. Amending motion seconded by Council Member Davis.

Council Member Armintor moved a substitute motion to adopt the item as presented. Motion died due to lack of a second.

Mayor Watts called the vote on Council Member Ryan's amending motion, seconded by Council Member Davis, to adopt the item with a grant amount of \$25,000. Amending motion carried.

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

NAYS (2): Council Members Armintor and Meltzer

- G. ID 20-077 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 Pastore Houldsworth & Co., LLC, for the development of an Advanced Forecast Model for DME as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7167 - awarded to Pastore Houldsworth & Co., LLC, for development of an Advanced Forecast Model awarded for DME, in the three (3) year not-to-exceed amount of \$288,000).

ASSIGNED ORDINANCE NO. 20-077

The item was presented 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

- H. ID 20-102 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 CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for the supply of plumbing maintenance, repairs, and replacement services for various City buildings and any other areas maintained by the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7229 - awarded to CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., 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 \$765,000).

ASSIGNED ORDINANCE 20-102

Mayor Watts had a conflict of interest on the item and left the Work Session Room.

Mayor Pro-Tem Hudspeth presided over the item.

The item was presented and discussion followed.

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

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

NAYS (0): None

ABSTAIN (1): Mayor Watts

- I. ID 20-103 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 CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for the supply of electrical maintenance, repairs, and replacement services for various City buildings and any other areas maintained by the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7230 - awarded to CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., 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 \$450,000).

ASSIGNED ORDINANCE NO. 20-103

Mayor Watts had a conflict of interest on the item and left the Work Session Room.

Mayor Pro-Tem Hudspeth presided over the item.

The item was presented and discussion followed.

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

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

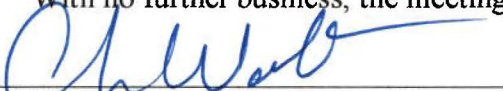
NAYS (0): None

ABSTAIN (1): Mayor Watts


3. **CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:43 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: January 28, 2020