

## CITY OF DENTON CITY COUNCIL MINUTES

January 28, 2020

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, January 28, 2020 at 11:02 a.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, Deb Armintor, and Paul Meltzer

**ABSENT:** Council Member John Ryan

Also present were Deputy City Manager Mario Canizares 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 G (ID 19-2817) - As requested, staff provided clarification as to name change and fees. (Briggs, Hudspeth)
- Consent item K (ID 20-192) - As requested, staff provided clarification as to gas flaring. (Briggs)
- Consent Item R (ID 20-247) - Pulled for individual consideration. (Briggs)
- Consent Item P (ID 20-201) - Pulled for individual consideration. (Meltzer)
- Consent Item B (ID 19-2863) - Pulled for individual consideration. (Hudspeth)
- Individual Consideration Item 2.B (Item 20-078) - Mayor Watts advised that per staff, the item would not be considered.

#### **3. Work Session Reports**

- A. ID 20-003 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
- (1) Monument to Women's Interracial Fellowship; and
  - (2) Municipal broadband.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 1 - Monument to Women's Interracial Fellowship (Meltzer)
  - Consensus to discuss at a future work session.

- Item 2 - Municipal Broadband (Briggs)
  - Consensus to discuss at a future work session.

The meeting was recessed for a short break at 11:24 a.m. and reconvened at 11:30 a.m.

- B. ID 19-2884 Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update, with a focus on the northern area of the city.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with the proposed updates to the Thoroughfare, Bicycle, and Pedestrian Plans as outlined in the presentation (maps).

The meeting was recessed for a short break at 12:50 p.m. and reconvened at 12:57 p.m.

- C. ID 20-184 Receive a report, hold a discussion, and give staff direction regarding updating the existing "Denton Municipal Electric - Energy Risk Management Policy."

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with updating the policy to present at a future work session.

- D. ID 20-227 Receive a report, hold a discussion, and give staff direction regarding the possibility of Thriving Earth Exchange providing a pro bono scientific study regarding the safety of gas well setbacks and reverse setback distances.

The item was presented and discussion followed.

The item was presented as a follow up to the December 10, 2019 Council Member Request ID 19-2257, Item 2.

Following discussion, there was no direction provided as additional follow-up on the issue would be done by the requesting council member.

The Work Session ended at 1:40 p.m.

#### **CLOSED MEETING - NOT HELD**

1. The Closed Meeting was not held. Therefore, there was no deliberation of the following items:
  - A. ID 20-185 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas

Government Code, Section 551.071. Receive a presentation from staff regarding public power competitive and financial matters about the risks of wholesale energy supply and risk management plans and strategies as each relates to the electric power and gas portfolio; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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**

- B. ID 20-223 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 located at 909 North Loop 288, in the City of Denton, Denton County, Texas, where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. 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 negotiations or potential litigation.

**NOT DELIBERATED; RESCHEDULED FOR FEBRUARY 4<sup>th</sup>**

- C. ID 20-271 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 Subchapters 1, 6, and 8 of the Denton Development Code relating to applicability, gas well drilling, and production reverse setbacks, definitions, and procedures; 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; RESCHEDULED FOR FEBRUARY 4<sup>th</sup>**

- D. ID 20-272 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys on the status, strategy, funding, and potential resolution of litigation in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; where 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 otherwise compromise the City's legal position in pending 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 Special Called Meeting on Tuesday, January 28, 2020, at 1:40 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 Deputy City Manager Mario Canizares and City Attorney Aaron Leal

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

The consent agenda consisted of Items 1.A-S. During the Work Session held earlier in the day, Item 1.B (ID 19-2863) was pulled for individual consideration by Mayor Pro Tem Hudspeth. Item 1.P (ID 20-201) was pulled for individual consideration by Council Member Meltzer. Item 1.R (ID 20-247) was pulled for individual consideration by Council Member Briggs.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of items 1.A, 1.C-O, 1.Q, and 1.S. Motion seconded by Council Member Briggs.

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

**NAYS (0):** None

**ABSENT WHEN VOTE TAKEN (1):** Council Member Ryan

- A. ID 19-2862 Consider adoption 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 (g)(5) (majority vote required) amending procedures for matters ending in a tie-vote; providing for a severability clause; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2862**

- C. ID 19-2864 Consider adoption of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29(f)(4) (City Council Rules of Procedure) subsection (4) (Presentations from Members of the Public) allowing up to seven (7) members of the public to address the body through any combination of prior registration and open microphone presentations; providing for a severability clause; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2864**



- D. ID 19-2865 Consider adoption 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 (h) (creation of committees, boards, and commissions) requiring boards, commissions, and committees to establish a regular meeting schedule; providing for a severability clause; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2865**

- E. ID 19-2866 Consider adoption of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-83 (c) to revise the absences provision for board, commission, and committees by establishing procedures and definitions to determine if an absence is excused or unexcused; providing for a severability clause; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2866**

- F. ID 20-229 Consider adoption 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.

**ASSIGNED ORDINANCE NO. 20-229**

- G. ID 19-2817 Consider approval of a resolution of the City Council of the City of Denton authorizing and designating representatives of the City to act as custodian of the investment of public funds in the Texas local government investment pool ("TexPool"); delegating authority to invest funds and act as custodian of investments purchased with local investment funds to TexPool; authorizing the Mayor to execute a resolution amending authorized representatives; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 19-2817**

- H. ID 20-112 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 SSP Innovations, LLC, for the aid of Denton Municipal Electric (DME)'s Operation Technology and related software systems, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7210 - awarded to SSP Innovations, LLC, in the five (5) year not-to-exceed amount of \$2,000,000). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 20-112**

- I. ID 20-147 Consider approval of the minutes of January 7, January 14, and January 23, 2020.

- J. ID 20-189 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Altec Industries, Inc. through the Sourcewell Cooperative Purchasing Network Contract Number 012418-ALT, for the acquisition of one (1) Altec model AT41M Articulating Telescopic Aerial truck for the Electric Substations Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7258 - awarded to Altec Industries, Inc., in the not-to-exceed amount of \$151,867). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 20-189**

- K. ID 20-192 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 Stearns, Conrad and Schmidt, Consulting Engineers, Inc. (dba SCS Engineers), for the installation of 12 vertical gas wells, 8" gas header piping and 6" gas lateral piping for the Solid Waste Landfill Division as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-002 - Professional Services Agreement for the installation of 12 vertical gas wells, 8" gas header piping and 6" gas lateral piping for the Solid Waste Landfill Division awarded to Stearns, Conrad and Schmidt, Consulting Engineers, Inc. (dba SCS Engineers), in the not-to-exceed amount of \$237,654).

**ASSIGNED ORDINANCE NO. 20-192**

- L. ID 20-193 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 Solutient Geosciences, Inc., for landfill hydrogeological consulting and analytical services regarding the City's Landfill monitoring and reporting requirements as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (File 7109-005 - Professional Services Agreement for consulting and analytical services awarded to Solutient Geosciences, Inc., in the not-to-exceed amount of \$321,415).

**ASSIGNED ORDINANCE NO. 20-193**

- M. ID 20-196 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 an Interlocal Cooperative Purchasing Program Agreement with the Department of Information Resources (DIR) Cooperative Purchasing Network, under the Texas Government Code, Chapter 252, 271, and 791, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7079 - Interlocal Cooperative Purchasing Agreement with the Department of Information Resources).

**ASSIGNED ORDINANCE NO. 20-196**

- N. ID 20-197 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 an Interlocal Cooperative Purchasing Program Agreement with Sourcewell, under the Texas Government Code Chapters 252, 271, and 791, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7080 - Interlocal Cooperative Purchasing Agreement with Sourcewell).

**ASSIGNED ORDINANCE NO. 20-197**

- O. ID 20-200 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 Midwest Tape LLC, for the purchase of digital content through the hoopla service for the Library, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7216 - awarded to Midwest Tape LLC, in the three (3) year not-to-exceed amount of \$227,000).

**ASSIGNED ORDINANCE NO. 20-200**

- Q. ID 20-202 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through the North Central Texas Council of Governments (NCTCOG), Contract #NCT-2016-14, for pavement analysis services; providing the expenditure of funds therefor; and providing an effective date (File 7224 - awarded to IMS Infrastructure Management Services, LLC, in the not-to-exceed amount of \$422,186.05).

**ASSIGNED ORDINANCE NO. 20-202**

- S. ID 20-267 Consider approval of a resolution confirming the City of Denton's priorities for TxDOT on-system corridor projects to the Dallas Regional Mobility Coalition; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 20-267**

The meeting was recessed for a short break at 1:42 p.m. and reconvened at 1:50 p.m.

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- B. ID 19-2863 Consider adoption of an ordinance of the City of Denton to amend the City of Denton Code of Ordinances (Code) section 2-29(f)(4)(d) (City Council Rules of Procedure) related to public hearings by allowing speakers who have previously provided input the opportunity to provide a rebuttal after hearing the applicant's rebuttal; providing for a severability clause; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2863**

*Pulled for Individual Consideration by Mayor Pro Tem Hudspeth*

There was no presentation or discussion on the item.

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

AYES (5): Mayor Watts and Council Members Briggs, Davis, Armintor, and Meltzer

NAYS (1): Mayor Pro Tem Hudspeth

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

- P. ID 20-201 Consider approval of a resolution revising the City of Denton Employee Ethics Policy, reference number 10.00, within the City of Denton Personnel Policies and Procedures; and providing an effective date.

*Pulled for Individual Consideration by Council Member Meltzer.*

The presentation was made and discussion followed.

At staff's request and per consensus of the City Council, consideration of the item was postponed to a future date to allow additional changes to the policy as discussed.

- R. ID 20-247 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and Lloyd Gosselink Rochelle & Townsend, P.C., amending the contract approved by City Council on January 10, 2017, in the not-to-exceed amount of \$715,000, to provide for services related to the permitting of the proposed expansion of the City's Landfill and for general environmental legal services said first amendment to extend the term of the Professional Services Agreement to July 10, 2021; and providing an effective date (PSA 6288 - extending a contract with Lloyd Gosselink Rochelle & Townsend, P.C., to July 10, 2021).

*Pulled for Individual Consideration by Council Member Briggs.*

The item was held to later in the meeting to allow Council Member Ryan to arrive.

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 20-041 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a public works contract with Archer Western Construction, LLC, for the construction of the Hickory Creek Detention Facility and Pecan Creek West Peak Flow Pump Station for the Wastewater Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7061 - awarded to Archer Western Construction, LLC, in the not-to-exceed amount of \$14,458,000). The Public Utilities Board recommends approval (5 - 0).

**ASSIGNED ORDINANCE NO. 20-041**

The item was presented and discussion followed.

Mayor Pro Tem Hudspeth 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, Davis, Armintor, and Meltzer

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

- B. ID 20-078 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 Wartsila North America, Inc., for the purchase of major overhaul parts for the electric generating equipment at the Denton Energy Center, which is the sole provider of this equipment, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7246 - awarded to Wartsila North America, Inc., in the not-to-exceed amount of \$2,028,967.43).

As announced during the Work Session held earlier in the day, the item was pulled from consideration by Mayor Watts.

- C. ID 20-079 Consider adoption of an ordinance of the City of Denton prohibiting on-street parking along Hinkle Drive between University Drive (US 380) and Windsor Drive; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends approval by vote of 5-1.

**ASSIGNED ORDINANCE NO. 20-079**

The item was presented and discussion followed.

Council Member Ryan arrived at 2:15 p. m.

Council Member Briggs 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

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION - CONTINUED**

- R. ID 20-247 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and Lloyd Gosselink Rochelle & Townsend, P.C., amending the contract approved by City Council on January 10, 2017, in the not-to-exceed amount of \$715,000, to provide for services related to the permitting of the proposed expansion of the City's Landfill and for general environmental legal services said first amendment to extend the term of the Professional Services Agreement to July 10, 2021; and providing an effective date (PSA 6288 - extending a contract with Lloyd Gosselink Rochelle & Townsend, P.C., to July 10, 2021).

**ASSIGNED ORDINANCE NO. 20-247**

Earlier in the meeting, the item was held to later in the meeting to allow Council Member Ryan to arrive. The item returned for consideration at this time.

The item was presented and 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

**ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED**

- D. ID 20-080 Consider adoption of an ordinance of the City of Denton prohibiting on-street parking on the south side of East Windsor Drive from Glenwood Lane to Hanover Drive between 7 AM and 4 PM; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. Traffic Safety Commission recommends 5-0.

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

The item was presented and discussion followed.

At staff's request and per consensus of the City Council, consideration of the item was postponed to the February 11<sup>th</sup> meeting.



- E. ID 20-198 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Genuine Parts Company, DBA NAPA Auto Parts through the Sourcewell Cooperative Purchasing Network Contract Number 061015-GPC, for the purchase of products and services for the on-site parts facility for Fleet Services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7136 - awarded to Genuine Parts Company, DBA NAPA Auto Parts, in the five (5) year not-to-exceed amount of \$20,000,000).

**ASSIGNED ORDINANCE NO. 20-198**

The item was presented and 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

- F. ID 20-199 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through National Intergovernmental Purchasing Alliance Company dba OMNIA Partners, Public Sector, for the purchase of motor vehicle fuels for use by all City departments, as awarded by the City of Fort Worth Contract #53316; and providing an effective date (File 7251 - awarded to Martin Eagle Oil Company, 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 \$16,000,000).

**ASSIGNED ORDINANCE NO. 20-199**

The item was presented and 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 20-249 Consider approval of a resolution of the City of Denton, a Texas home-rule municipal corporation, allowing the City to recognize all of the Renewable Energy Credits associated with the electric power purchased by the City from the Whitetail Wind Turbine Electric Generation Facility to enable the City to accurately determine the percentage of electric power it has received that was generated exclusively from renewable resources.

**ASSIGNED ORDINANCE NO. 20-249**



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 (5): Mayor Watts and Council Members Briggs, Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

ABSENT WHEN VOTE TAKEN (1): Mayor Pro Tem Hudspeth

- H. ID 19-2620 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Community Development Advisory Committee.

The item was not presented or discussed.

Council Member Meltzer moved to appoint the following as noted:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Community Development Advisory Committee	6	Meltzer	Francine	Witte	HOLDOVER 2019-2021	September 1, 2019 through August 31, 2021	Reappointment

Motion seconded by Council Member Briggs. Motion carried.

AYES (6): Mayor Watts and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Pro Tem Hudspeth

### **3. CONCLUDING ITEMS**

Council Members expressed items of interest.

The Special Called Meeting ended at 3:33 p.m.

### **SPECIAL CALLED MEETING - EVENING**

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 28, 2020, at 6:31 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 Deputy City Manager Mario Canizares and City Attorney Aaron Leal

1. **PUBLIC HEARING**

- A. DCA19-0009e Hold a public hearing, provide overview and background, and reconsider the November 19, 2019, adoption of an ordinance of the City of Denton, Texas, amending Subchapters 1, 6, and 8 of the Denton Development Code, relating to applicability, gas well drilling and production reverse setbacks, definitions, and procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing an effective date. (DCA19-0009e, Gas Wells, Hayley Zagurski)

**ASSIGNED ORDINANCE NO. DCA19-0009e**

The item was presented and discussion followed.

Mayor Watts reviewed the public hearing process, noted the white speaker cards submitted represented those individuals that desired to have their position on the record but did not want to speak, and that the information would be entered into the record.

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

- Cindy Pritchett, 1705 Palo Verde Drive - introduced and presented the credentials of her brother, Marcus Pritchett, who would speak on her behalf
- Marcus Pritchett, 1705 Palo Verde Drive - in opposition to current requirements but in favor of adopting Option 4A as presented by staff
- Joyce Pool, 3021 N. Bonnie Brae - requested her property be grandfathered and none provided in status of non-conforming now or in the future
- Dennis Howard, 1933 Willowcrest Loop - property within 500 ft. reverse setback; in opposition of increasing reverse setback and property be grandfathered
- Tanya Ray, 3320 Groveland Terrace - in opposition of a gas well reverse setback
- Arthur Townsend, 1600 Palo Verde Drive - on incorrect statement on who received notice and effect of requirements to his property; opposed to requirements

The meeting was recessed for a short break at 7:45 p.m. and reconvened at 7:55 p.m.

The public hearing continued with the following speakers:

- Joseph Kratz, 4109 Roxbury Street - in opposition of the non-conforming status City needs to decide what Denton really is
- Ila Leck, 3401 Ocean Drive - in support of Option 4A
- John Miller, 1605 Palo Verde Drive - in opposition to any properties being made non-conforming
- Eric Fullerton, 3015 N. Bonnie Brae - in favor of Option 4A but better to get rid of the reverse setback
- Michael Spear, 6712 Lippizan Drive - in favor of Option 4A but nothing that results in non-conforming standards

- Pat Brown, 2900 Siena Drive and 2724 Claydon - in favor of the 4A proposed amendment and grandfathering properties
- Tobie Carcanio, 4115 Hampton Road - in favor of the reconsideration and take into consideration the affected families
- Tracy Runnels, 7000 Chaucer Drive - on differences between mapping depicting setbacks to property lines
- Mark Samuels, 6600 Lippizan Drive - on confusion of why setbacks are being moved; concerns on affect to property
- Leah Cook, 1905 1905 Wisteria - expressed concerns on proposed setbacks
- David Lehole, 5816 W. Plano Parkway, Plano - representing individuals and expressed concerns on impact imposed within the 500 foot range; opposed
- Joseph Smoglia, 3220 Tamarack Lane, Argyle - in support of the proposed changes
- Troy Bassham, 1905 Nob Hill Court - on concern about distance of his property from a gas well; unhappy about the postcard received; health risks
- Eric Foster, 2300 Windhaven Drive - in opposition to being designated in a non-conforming status; in support of Option 4A and offering grandfathered status
- Maria Herrera, 4700 Shagbark Drive, Argyle - on not understanding the information on postcard; consider affect to property owners when making the decision
- Pedro Martinez, 4024 Hialeah Drive - on affect the setbacks have on value to home; asked to have property grandfathered
- John Brown, 3232 Tamarack Lane - in opposition to implementing setbacks; in favor of Option 4A if the 50% damage criteria is removed
- Bill Campbell, 3640 Tuscan Hills Circle - on basing an ordinance on facts; research showed in last 18 years only one fire due to a gas well with cause being it was hit by lightning; in opposition to changing existing setbacks
- Jodi Ismael, 819 Anna Street - in favor of Option 4A
- Ivan Tamez, 2412 Windhaven Drive - in favor of Option 4A if he can still sell his home and not have the issue hanging over his head
- Joe Klesch, 1916 Pavilion Lane - not in favor of any action that will require homeowners to go to Planning & Zoning for a variance
- Lynn Hamilton, 1908 Nob Hill Court - on concerns with permits being issued with non-conforming standards in place

The meeting was recessed for a short break at 9:16 p.m. and reconvened at 9:28 p.m.

The public hearing continued with the following speakers:

- Kristi Lawler, 328 Red Fox Lane - gave time to Andrew Sullivan, 4212 Stone Trail Drive, to speak on her behalf - in opposition to changing established setbacks
- Judy Thompson, 9827 Fort Worth Drive, Argyle - negative affect of setbacks to her property and inability to ever sell her property; affected properties should be grandfathered
- Michael Fiveash-Guthrie, 2471 Hickory Creek Road - on not hearing yet why this is being done and negative affect to his neighbor; upcoming elections

- Greg Johnson (representing Randy Sorrells, Stephen Shannon, and Jack Smith), 319 W. Oak - on criteria needed for approval and that criteria not being in place; options in order to get a variance from the Zoning Board of Adjustment
- Jacee Kiefer, 1824 S. Bonnie Brae Street - effect of changes on family property
- Robert Garfat, 3316 Tamarack Lane - not in agreement with any proposed changes; negatively affects his family now and in the future; consider grandfathering
- Robbie Burns, 1710 Sam Bass Boulevard - representing individuals that fall within the non-conforming setbacks; ask Council to do the right thing
- Darrell Stubblefield, 25 Highview Circle - on not in agreement on inability to rebuild if property destroyed more than 50%
- Jennifer Lane, 1526 Willowood Street - on role of Zoning Board of Adjustment and it not meeting to perhaps offer a position on the issue; speaking as a citizen
- Jonathan Waite, 840 Branch Crossing, Lantana - annexed and issue not being addressed
- Michael Geiser, 416 Sanders Road - on not having made aware of the issue had the item not been reconsidered; issue negatively affecting his property
- Mason Decker, 6512 Ridalsa Court - on future being affected in the City; statements on not understanding the issue and decisions being made
- Stuart Belchem, 4312 Poppy Valley Lane - not in favor of the changes; requested house be grandfathered in
- Nick Hooks, 4100 Fanita Place - effects of the requirements; property taxes raised but property not worth anything

As stated earlier by Mayor Watts, the following individuals submitted white speaker cards and requested their information and position be entered into the record:

- Brenda Abble, 2434 Tom Cole Road - in opposition, please do not change current regulations
- Lindsay Phillips, 3408 Ocean Drive - in opposition
- Kristen Bryce, 3409 Ocean Drive - in opposition
- Stuart Belchem, 4312 Poppy Valley Lane - in opposition
- Denise Childers, 3907 Hampton Road - in opposition
- Michael Childs, 3907 Hampton Road - in opposition
- Mark Gale, 3513 Ocean Drive - in support of Option 4
- Jennifer Gale, 3513 Ocean Drive - in support of Option 4
- Jeff and Sabrina Trevino, 6512 Wellston Lane - in opposition
- Bryan Foster, 605 Early Dawn Trail - no position noted
- Clinton Lack, 3401 Ocean Drive - in opposition
- Deborah Ingram, 3328 Hornbeam Street, Argyle - in opposition but in favor of Option 4
- David Gregory, 329 Red Fox - in opposition and grandfather clause needs to be added
- Brian Solomon, 8105 Seven Oaks Lane - in opposition
- Brian Bonkowski, 3234 Red Fox Lane - in opposition

- Cindy Bonskowski, 4325 Hidden Meadow Trail - in support of Option A and keeping affected properties in conforming status
- Larry Beck, 2301 Paxton Way - in support of City Council's earlier decision to update reverse setbacks to 500 feet
- Carol Soph, 1620 Victoria Drive - in support of Option 4
- Ed Soph, 1620 Victoria Drive - in support of Option 4 with 500 ft. reverse setback
- Daiei Krall and Jamie Duet, 2732 Westglen Drive - in opposition; support 500 foot setback
- Lee Anne Smith, 2313 Hickory Creek Road - in opposition
- Lewis Smith, 2313 Hickory Creek Road - in opposition
- Clint McCoy, 4109 Aqueduct Drive - in opposition
- Anne Foster, 4201 Aqueduct Drive - in opposition
- John Foster, 4201 Aqueduct Drive - in opposition
- Stephen Sutherland, 3309 Ocean Drive - in opposition and in support of Option 4
- Michael Hennen, 724 Thomas Street - in opposition
- Dick Smith, 721 W. Hobson - in opposition
- Rachel and Dave Miller, 3309 Buckthorn Lane, Argyle - in opposition
- Milse Haganen, 2721 Clarendon - in opposition
- Stephanie Kidd, 1908 Fairmont Park Drive - in opposition
- Chris Day, 1908 Fairmont Park Drive - in opposition
- Kent Key, 3100 Triple Crown Court - in opposition
- Connie Donahue, 2112 Fairmount Park Drive - in opposition
- Austin Baker, 3108 Triple Crown Court - in opposition
- Bryan and Gail Solomon, 2312 Lighthouse Drive - in opposition to Options 1, 2 and 3; in support of Option 4
- Richard Portales, 1912 Belmont Park Drive - in opposition
- Theresa Portales, 1912 Belmont Park Drive - in opposition
- Matthew and Carinda Bourbon, 1509 Val Verde Court - in opposition and all homes within 500 feet need to be grandfathered
- W. L. Schenck Jr., 14 Timbergreen - in support
- Chase Stewart, 1917 Willowcrest Loop - in opposition
- Mark Shawhart, 4000 Hialeah - in opposition
- Mary Shawhart, 4000 Hialeah - in opposition
- Li Yunxiang, 3905 Luck Hole Drive - in opposition
- Diana Oldham, 2316 Windhaven Drive - in opposition
- Caymen Keen, 2308 Windhaven Drive - in opposition
- Matt Cairns, 1805 Cordero Court - in opposition
- Robin Cairns, 1805 Cordero Court - in opposition
- Edward and Ramona Ingram, 1701 Pine Hills Lane - in opposition
- John L. Smith, 3309 N. Bonnie Brae - in opposition
- Ron and Donna Biggs, 4117 Aqueduct Drive - in opposition to Options 1, 2 and 3/ in support of Option 4

- Leonard Ament, 4113 Aqueduct Drive - in opposition to Options 1, 2 and 3/in support of Option 4
- Rhonda Love, 1921 Hollyhill Lane - in support
- James Beasley, 2720 Westglen - in support
- Yudmila and Jorge Hernandez, 3621 Andalolian Drive - in opposition
- Samson Ansole, 2804 Paddock Way - in opposition
- Karla Kay, 840 Branch Crossing - in support
- Andrew Sullivan, 4212 Stone Trail Drive - in opposition
- Taylor Ross, 316 Lemonmint Circle - in opposition
- Leah Strittmatter, 2733 Cloydon Drive - in opposition
- Peighton Hasbini, 4016 Hialeah Drive - in opposition; city cannot penalize homes within 250-500 feet
- Ryan Hasbini, 4016 Hialeah Drive - in opposition, in support of Option A4
- Erin Watt, 4112 Stonetrail Drive - in support, in support of Option A4
- Cara Sammons, 2309 Windhaven Drive - in opposition
- Delores Barnes, 2729 Claydon Drive - in opposition
- Daniel Speelman, 3410 Lipizzan Drive - in opposition
- Michael Kent, 2800 Westglen - in opposition
- Gina Smith, 1805 Palo Verde Drive - in opposition
- David Dregelia, 2812 Westglen Drive - in opposition and needs full value of home if item passes
- David Martinez, 2209 Windhaven Drive - in opposition
- Catherine Rorick, 2804 Westglen Drive - in opposition
- John Strittmatter, 2733 Claydon Drive - in opposition
- Dimitri Bennett, 2804 Westglen Drive - in opposition
- Sarah Ross, 316 Lemonmint Lane - in opposition
- Linda Westermann, 2104 Belmont Park Drive - in opposition
- Roger Little, 2816 Westglen Drive - in opposition
- Nathan Tune, 3717 Merrimack Drive - in opposition
- Linda Gaines, 7304 Chaucer Drive - in opposition
- Duane Gaines, 7304 Chaucer Drive - in opposition
- Ann Higgins, 3212 Groveland Terrace - in opposition
- Karen Mazurkewicz, 3212 Groveland Terrace - in opposition
- Noe DeLeon, 4012 Hialeah Drive - in opposition and home will need to be grandfathered
- Naji Tabet, 8012 Winding Steam Lane - in opposition
- Tatiana Tabet, 8012 Winding Steam Lane - in opposition
- Jennifer Lassi, 1501 Palo Verde Drive - in opposition
- Mike Hagemar, 2721 Clarendon - in support of Option A4
- Larry Davis, 4320 Poppy Valley Lane - in opposition
- Pamela Gipson, 3304 Groveland Terrace - in opposition
- Stephanie Martin-Brown, 3404 Ocean Drive - in opposition



- Jimmie Ky Brown, 3404 Ocean Drive - in opposition
- Lior Fishman, 1613 Palo Verde Drive - in support
- Steve Hedrick, 1916 Hollister Lane - in opposition
- Debra Hedrick, 1916 Hollister Lane - in opposition
- Allan and Arlene Dluski, 3405 Lighthouse Drive - in support of Option 3
- Carol Ackerman, 1913 Nob Hill Court - in opposition, in support of Option A4
- Sean Williams, 1904 Nob Hill Court - in support of Option 4
- Darlene Guillory, 3908 San Lorenzo Drive - in support of Option 4
- Magnus Lassi, 1501 Palo Verde Drive - in support
- Joshua Johnson, 325 Red Fox Lane - in opposition
- Marco Mirdes, 2922 Lipizzan Court - in opposition, only will support A4
- Chris Martin, 4324 Poppy Valley Lane - in support of Option A4
- Justin Rothenberg, 1513 Palo Verde Drive - in opposition, will only support Option A4
- Glenn Highland, 22081 N. Masch Branch Road - in opposition, control point is drilling permit
- Natalie Eisen, 401 Goldfinch Road - in opposition
- Kyle Eisen, 401 Goldfinch Road - in opposition
- Jennifer Glass, 4316 Poppy Valley Lane - in support of Option A4
- Stuart and Shannon Robertson, 3328 Tamarack Lane - in opposition and not in support of increasing to greater than 500 feet
- Erika Kephart, 4216 Stonetrail Drive - in support of Option A4
- Ramona Davis, 1927 Willowcrest Loop - in opposition
- Don Roger Davis, 1927 Willowcrest Loop - in opposition
- James Carr, 1526 Willowwood - in support of Option A2
- Jennifer Lane, 1526 Willowwood Street - in support of Option A2, ZBA meeting should have not been canceled
- Ann Poston, 320 E. Mission Street - in opposition
- John Simon, 2713 Claydon Drive - in support of Option A4
- Trey Murphy, 1015 W. Highland Street, Apt. 4 - in opposition will only support Option A4
- Michael Loneshore, 4020 Hialeah Drive - in opposition
- Clint Cash, 3004 Groveland - in opposition, nothing should be done
- MaryJo Costanzo, 2752 Skiline Drive - in opposition
- Cheryl McWilliams, 2765 Skivue Drive - in opposition
- Robert and Hannah Hollister, 3008 Groveland Terrace - in opposition
- Charlie Haynes, 405 W. Oak Street - in opposition, do not change the setbacks from 250 feet to 500 feet
- Karen Farmer, 2005 Hemingway Drive - in opposition
- Bob Ashley, 2309 Fairmound Park Drive - in support of Option A4
- William Mills, 2000 Belmont Park Drive - in support of Option A4
- Juan Salas, 7013 Livingston Drive - in opposition, do not increase to 500 feet
- Shanette Richins, 4300 Poppy Valley Lane - in opposition, supports Option A4



- Brad Richins, 4300 Poppy Valley Lane - in opposition, supports Option A4
- Emma Simon, 2713 Claydon Drive - in opposition and who will be held responsible for not informing buyers
- Casey Benchel, 1029 Springcreek Drive - in opposition, will only support Option A4
- Gary Madrigal, 2424 Hickory Creek Road - in opposition
- Jane Boyle-Candy Haven, 301 N. I-35E - in support of Option 4
- Jane Boyle, 1920 S. Locust Street - in support of Option 4
- Kim and Craig O'Rourke, 1908 Hollister Lane - in support of Option 4
- Stephen Fiorenza, 317 Sky Meadow Lane - in support of Option 4
- Sidney Hartz, 1710 Sam Bass Blvd, Apt. 1906 - in opposition
- David Adams, 1504 Palo Verde Drive - in opposition, will only support Option A1 or A4
- Michael and Christina Reedy, 3300 Tamarack Lane - in opposition, will only support Option A4
- Joseph Lotz, 1709 Palo Verde Drive - in opposition
- Pamela Shutts, 1708 Palo Verde Drive - in opposition
- Rodney Shutts, 1708 Palo Verde Drive - in opposition.

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

The meeting was recessed for a short break at 10:44 p.m. and reconvened at 10:52 p.m.

Discussion continued.

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

Discussion continued.

City Attorney Leal presented Option 5, consisting of correcting the non-conformities created by Ordinance 2010-196 and reverting all to conforming and not increasing setbacks. This option had as yet not been presented to City Council.

Following City Attorney Leal's explanation, Mayor Pro Tem Hudspeth withdrew his motion to deny the item and Council Member Ryan withdrew his second.

Mayor Pro Tem Hudspeth moved to make all existing residential lots impacted and made non-conforming by Ordinance 2010-196 be made conforming. Motion seconded by Council Member Ryan.

Discussion continued.

Council Member Meltzer moved to amend Mayor Pro Tem Hudspeth's motion by adding a clause to extend the setback to 500 feet and not create any new non-conformities with the increased setback. Motion seconded by Council Member Armintor.

Council Member Briggs offered a friendly amendment to Council Member Meltzer's motion to add in the variance and relief procedures outlined in presentation which would approve exhibits A4, B and C as presented.

City Attorney Leal clarified that the amendments would essentially be Option 4 as presented in addition to Mayor Pro Tem Hudspeth's motion that all existing residential lots impacted and made non-conforming by Ordinance 2010-196 be made conforming.

Discussion continued.

Council Members Meltzer and Armintor accepted Council Member Briggs' friendly amendment. Motion carried.

AYES (4): Council Members Briggs, Davis, Armintor, and Meltzer

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

Mayor Watts called the vote on Mayor Pro Tem Hudspeth's motion that all existing residential lots impacted and made non-conforming by Ordinance 2010-196 be made conforming, and as amended by Council Member Meltzer's adopted amending motion as noted above. Motion carried.

AYES (4): Council Members Briggs, Davis, Armintor, and Meltzer

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

With no further business, the meeting adjourned at 12:35 a.m. on Wednesday, January 29, 2020.



CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: FEBRUARY 18, 2020