

CITY OF DENTON CITY COUNCIL MINUTES
February 18, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, February 18, 2020, at 11:34 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, 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 4.F (20-358) - As requested, staff provided clarification the project addressed improvements from Welch to Carroll. (Briggs)
- Consent Item 4.G (20-359) - As requested, staff provided clarification that while the item rejected proposals, additional proposals were being received this week. (Briggs)
- Consent Item 4.K (20-392) - As requested, staff provided clarification on the size of trucks being purchased. (Briggs)
- Consent Item 4.M (20-415) - Pulled for individual consideration. (Briggs)

Mayor Pro Tem Hudspeth arrived at 11:37 a.m.

3. Work Session Reports

- A. ID 20-346 Receive a report, hold a discussion, and give staff direction regarding potential National Electric Safety Code violations, and mitigation options, along the TMPA transmission corridor that runs through the Windhaven residential subdivision within the City of Denton, Texas.

Mayor Watts announced the homeowner for the property involved in this item would be allowed to speak. The speaker requested to speak at the end of the presentation.

The item was presented and discussion followed.

As announced at the onset of the item, the following individual was allowed to speak:

- Lynn Scott-White (property owner), 5040 Splitrock Drive - in opposition to the pole being installed; negatively affects her property; not given advance notice; eyesore; in favor of Option 2 (poles being raised); home value will decrease otherwise

The City Council convened into Executive Session at 12:10 p.m. pursuant to Texas Government Code Section 551.071 (Consultation with Attorneys).

The Executive Session started at 12:12 p.m. and ended at 12:43 p.m. No votes or actions were taken during the Executive Session.

The Work Session was reconvened at 12:45 p.m.

Discussion continued.

Following discussion, staff was directed to return in one week and present a property survey from the current owner to determine if the easement was depicted, the other two property owners that could be impacted by Option 2, be informed of the issue, and the City Attorney's Office present options at that time.

The Work Session was recessed at 1:16 p.m. for a short break and reconvened at 1:23 p.m.

- C. ID 20-136 Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update, with a focus on the western 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) for the western area of the city.

The Work Session was recessed for a short break at 1:58 p.m. and reconvened at 2:04 p.m.

- B. ID 20-395 Receive report and hold discussions regarding state requirements applicable to the septic systems in Green Tree Estates; receive reports, hold discussions, and give staff direction regarding water service extension from the city water main to the point of connection of meters for Green Tree Estates.

The item was presented and discussion followed.

Following discussion, staff was directed to follow up and return on or about April 21st with information as related to the water line extension on what the demand is, who will conduct inspections, how cost will be recovered (for future development of now vacant lots), equal cost share by residents, as well as answers to other logistical issues.

The meeting was recessed for a short break at 3:20 p.m. and reconvened at 3:28 p.m.

- D. ID 20-106 Receive a report, hold a discussion, and give staff direction regarding the development of the Hunter-Cole Ranch master planned community, Municipal Management Districts, Consent Resolution, Operating Agreement, and Project Agreement in southwest Denton.

The item was presented and discussion followed.

The meeting was recessed for a short break at 4:44 p.m. and reconvened at 4:50 p.m.

The presentation and discussion continued.

Following discussion, staff was directed to proceed as scheduled with an item being presented to the Planning & Zoning Commission on February 27th followed by City Council on March 17th.

- E. ID 20-290 Receive a report, hold a discussion, and give staff direction regarding the City of Denton's Tax Abatement and Incentives Policy.

Mayor Watts announced the item would not be presented and would be rescheduled.

CLOSED MEETING

- I. The City Council convened into a Closed Meeting at 5:25 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. Items 1.B (ID 20-343) and 1.C (ID 20-490) were not deliberated.

- A. ID 20-462 Consultation with Attorneys - Under Texas Governmental Code Section 551.071. Consult with the City's attorneys on the status, strategy, funding, prospects for appeal, 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 Profession Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in pending litigation or appeal.

DELIBERATED

- B. ID 20-463 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

- C. ID 20-490 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consultation with the City's attorneys regarding legal issues associated with (i) the project agreements, master planned community ordinances, and other related agreements, documents, and ordinances for both Hunter Ranch and Cole Ranch projects, (ii) operating agreements, consent resolutions, and other agreements, documents, and ordinances related to the municipal management districts associated with both Hunter Ranch and Cole Ranch projects and the operation of the same, (iv) economic development incentives potentially offered related to both Hunter Ranch and Cole Ranch projects, and (v) the Pilot Knob conservation easement for Hunter Ranch project; 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.

NOT DELIBERATED

The Closed Meeting started at 5:30 p.m. and ended at 6:27 p.m. No votes or actions were taken during the Closed Meeting.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, February 18, 2020, at 6:34 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

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

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

None.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public.
 - a. ID 20-416 Chelsea Lewis, address not provided, regarding Development Service Fees being raised and the need to have them lowered - PRESENTED
- C. Additional Citizen Reports (Open Microphone)

None.

4. CONSENT AGENDA

The consent agenda consisted of Items 4.A-M. During the Work Session held earlier in the day, Item 4.M (ID 20-415) was pulled for individual consideration by Council Member Briggs.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of items 4.A-L. 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

- A. ID 20-258 Consider approval of the minutes of January 28, February 3, and February 4, 2020.
- B. ID 20-284 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2018-2019 Tax Increment Financing Reinvestment Zone Number One Annual Report; and declaring an effective date. The Tax Increment Financing Reinvestment Zone Number One Board recommends approval (5-0).
ASSIGNED RESOLUTION NO. 20-284

- C. ID 20-289 Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Texas Main Street Program, demonstrating the City of Denton's commitment to continue as a "Sustaining Level Official Main Street City" and authorizing payment of the annual fee in the amount of \$2,600; and providing an effective date.
ASSIGNED ORDINANCE NO. 20-289

- D. ID 20-351 Consider approval of a resolution of the City of Denton authorizing and approving execution by the City Manager of a Memorandum of Understanding with Denton County Friends of the Family (DCFOF) to collaborate and make an application to the Office on Violence Against Women (OVW) for a grant from the OVW Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program (OVW Grant); ratifying all prior actions taken by the City Manager in furtherance of the foregoing application; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-351

- E. ID 20-357 Consider approval of a resolution of the City of Denton, Texas supporting city participation in charitable giving to the Denton 100 Club, Denton Animal Support Foundation, Denton Fire Traditions, Denton Parks Foundation, Friends of the Denton Public Libraries, and Keep Denton Beautiful through Amazon Business procurement card purchases and the AmazonSmile Foundation; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-357

- F. ID 20-358 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc., amending the contract approved by City Council on October 16, 2018, in the not-to-exceed amount of \$167,500; amended by Amendments 1-2 approved by City Council and Purchasing Staff; said third amendment to provide appraisal services for the West Hickory Street Drainage, Paving and Sidewalk Project; providing for the expenditure of funds therefor; and providing an effective date (File 6590-043 - providing for an additional third amendment expenditure amount not-to-exceed \$64,625, with the total contract amount not-to-exceed \$341,425). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-358

- G. ID 20-359 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 6890 for the supply of a utility-scale for solar energy for the City of Denton; and providing an effective date (RFP 6890). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-359

- H. ID 20-360 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 Xylem Water Solutions USA, Inc., for the purchase of Flygt pumps, equipment, parts, supplies and services used by the Water Reclamation department to operate and maintain the City of Denton sewage pumping stations and treatment plants, which is the sole provider of this these commodities and services, 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 7172 - awarded to Xylem Water Solutions USA, Inc., in the five (5) year not-to-exceed amount of \$1,000,000). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-360

- I. ID 20-363 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 Green Equipment Company, through the Buy Board Cooperative Purchasing Network Contract # 577-18, for the purchase of parts and labor cost, maintenance and spare components for sewer inspection equipment with distributors EnviroSight, Radiodetection, and Pearpoint products for the Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (File 7274 - awarded to Green Equipment Company, in the two (2) year not-to-exceed amount of \$200,000). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-363

- J. ID 20-370 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7221 for the supply of Drug, Alcohol and Physical Testing Services for the City of Denton Human Resource Department; and providing an effective date (RFP 7221).

ASSIGNED ORDINANCE NO. 20-370

- K. ID 20-392 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 Industrial Power, LLC, for the purchase of two (2) new rear load refuse trucks for the Solid Waste Department, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are necessary to preserve and protect the public health and safety of the municipality's residents are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7273 - awarded to Industrial Power, LLC, in the not-to-exceed amount of \$240,451). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 30-392

- L. ID 20-394 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7177 for a public works contract for street reconstruction for the City of Denton; and providing an effective date. (RFP 7177).

ASSIGNED ORDINANCE NO. 20-394

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- M. ID 20-415 Consider a resolution of the City of Denton conditionally consenting to the creation of Denton County Municipal Utility District No. 11, encompassing approximately 247 acres of land, located within Division II of the Extraterritorial Jurisdiction of the City of Denton, Texas; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-415

Pulled for individual consideration by Council Member Briggs.

The item was presented and discussion followed.

Council Member Armintor 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

5. ITEM(S) FOR INDIVIDUAL CONSIDERATION

- A. ID 20-352 Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Denton Central Business District Association, Inc. dba Denton Main Street Association to allow the Denton Main Street Association to hire a program manager and support programming for the Texas Main Street Locally Designated Program; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-352

The item was presented and no discussion followed.

Council Member Briggs 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

- B. ID 20-361 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 S & J Construction Co., Inc., for the construction of the North/South Water Main Phase III project for the City of Denton with geographical limits as follows: From I-35E Service road north on Bonnie Brae to Panhandle; providing for the expenditure of funds therefor; and providing an effective date (IFB 7200 - awarded to S & J Construction Co., Inc., in the not-to-exceed amount of \$4,000,551.18). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-361

The item was presented and discussion followed.

Mayor Pro Tem Hudspeth 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

- C. ID 20-362 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 Quality Excavation, LLC, for the 2019 Street Reconstruction project for the City of Denton with geographical limits as follows: Hercules Lane from Locust Street to Stuart Road, Scripture Street from Thomas Street to Jagoe Street, Thomas Street from West Oak Street to Panhandle Street, and Windsor Drive from North Locust Street to Armstrong Street; providing for the expenditure of funds therefor; and providing an effective date (IFB 7237 - awarded to Quality Excavation, LLC, in the not-to-exceed amount of \$10,202,355.45). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-362

The item was presented and discussion followed.

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

- D. A20-0001d Consider adoption of an ordinance approving a municipal services agreement, pursuant to Tex. Loc. Govt. Code Sec. 43.0672, between the City and Sharon Losak McCutchin, in her capacity as Trustee of the (i) Tamara McCutchin Saxe Trust and (ii) Trustee of the McCutchin Marital Non Exempt Trust, for the provision of City services to approximately 131.94 acres of land located generally south of Allred Road and west of Fort Worth Drive; approving a schedule of annexation attached as Exhibit C; authorizing the City Manager to execute the agreement, and providing an effective date. (A20-0001, Sagebrook)

ASSIGNED ORDINANCE NO. A20-0001d

The item was presented and no discussion followed.

Council Member Briggs moved to approve 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

- E. S19-0012f Consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a multi-family dwelling use on approximately 15.34 acres of land, generally located on the northwest corner of Duchess Drive and Loop 288, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommended denial (4-3). THIS ITEM WAS POSTPONED AT THE FEBRUARY 11, 2020 CITY COUNCIL MEETING. (S19-0012f, Denton Grove Apartments, Julie Wyatt)

The item was presented and discussion followed.

Council Member Ryan moved to suspend the City Council Rules of Procedure to allow the applicant 10 minutes to speak. Motion seconded by Council Member Meltzer. Motion carried by show of hands.

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

The following spoke on the item:

- Jean Latsha (Applicant), 5014 W. Frances Place, Austin – regarding prolonged issues if the item were delayed, details of the proposed development and requested approval of the item
- Kent Key, 3100 Triple Crown Court – on concerns with density, location of proposed project and in opposition to the item.

Discussion continued.

Council Member Meltzer requested the meeting recess to Executive Session to allow consultation with the attorney.

Mayor Watts convened the meeting into Executive Session at 7:37 p.m. pursuant to Texas Local Government Code Section 551.071 - Consultation with Attorney. The Executive Session started at 7:40 p.m. and ended at 7:45 p.m. No votes or actions were taken during the Executive Session.

The Regular Meeting was reconvened at 7:46 p.m.

Discussion continued with questions answered by the applicant.

Council Member Briggs moved to send the item back to the Planning & Zoning Commission to review the revised Special Use Permit with an event certain and have item then return to City Council. Following discussion, Council Member Briggs withdrew her motion.

Council Member Meltzer moved to postpone the item for 90 days, or sooner if parties reach an alternate proposal. Following discussion, Council Member Meltzer withdrew his motion.

Council Member Ryan moved to have all parties hold a neighborhood meeting and report findings to City Council.

Following discussion, Mayor Watts advised a motion to postpone took precedence. City Attorney Leal advised that was correct.

Mayor Watts moved to postpone the item for 120 days maximum to allow all parties to further discuss the issue and report back to City Council at a future meeting. 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

6. PUBLIC HEARING(S)

- A. A20-0001c Hold a public hearing and consider an application for voluntary annexation of approximately 131.94 acres of land, generally south of Allred Road and west of Fort Worth Drive by the City of Denton, Denton County, Texas

The item was presented and discussion followed.

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

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

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

NAYS (0): None

7. ITEM(S) FOR INDIVIDUAL CONSIDERATION - CONTINUED

- A. A20-0001e Conduct the first of two readings of an ordinance of the City of Denton for a voluntary annexation of 131.94 acres of land more or less, generally south of Allred Road and west of Fort Worth Drive by the City of Denton, Denton County, Texas.

The item was presented and no discussion followed.

No action was taken on the item as this was the first of two required public readings.

8. PUBLIC HEARING(S) - CONTINUED

- A. Z19-0011b Hold a public hearing and consider approval of an ordinance of the City of Denton, Texas, approving a change in the zoning district and use classification from the Residential 2 (R2) zoning district and use classification and the Suburban Corridor (SC) zoning district and use classification to the Residential 4 (R4) zoning district; on approximately 16.79 acres of land generally located on the north of Hickory Creek Road, between Country Club road to the west and the Railroad to the East, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommends approval (6-0). (Z19-0011, County Club Terrace, Cindy Jackson)

ASSIGNED ORDINANCE NO. Z19-0011b

The item was presented and discussion followed.

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

- Thomas Fletcher (representing applicant) 6160 Warren Parkway, Frisco - in favor of item

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

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

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


NAYS (0): None

9. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:47 p.m.


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS


ZOLAINA R. PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: March 3, 2020