

CITY OF DENTON CITY COUNCIL MINUTES

March 3, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, March 3, 2020, at 12:02 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: Council Member Jesse Davis

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 3.D (ID 20-494) - As requested, staff provided clarification and confirmed contract is not going to change the rate for customers. (Briggs)
- Consent Item 3.G (ID 20-498) - As requested, staff provided clarification regarding upgrading technology and how it affects current processes. (Briggs)

3. Work Session Reports

- A. ID 20-583 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.

The presentation was made and discussion followed.

Mayor Pro Tem Hudspeth arrived at 12:07 p.m.

Mayor Watts allowed the following to speak on the item:

- Donald White, 5040 Split Rock Drive (affected property owner) – regarding what are the options and advised of various issues he is facing and the impact to his property

Following discussion, staff was directed to provide Mr. White with staff contact information, and proceed with the one pole option for presentation and final approval at a future meeting.

- B. ID 20-137 Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update, with a focus on the southern area of the city.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with the next steps as outlined in the Mobility Plan schedule, with proposed final presentation and approval to be presented in April 2020.

- C. ID 20-522 Receive a report, hold a discussion, and give staff direction regarding the City of Denton's Tax Abatement and Incentives Policy.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with the recommendations presented which included addition of "average" to consideration of wages versus County wages; application process, updated Qualified Census Tract map and header, and correction of clerical errors for presentation and final approval at future meeting.

- D. ID 20-486 Receive a report, hold a discussion, and give staff direction regarding a proposed development fee grant program.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with the Development Grant Fee Program as presented for presentation and final approval at a future meeting.

- E. ID 20-268 Receive a report, hold a discussion, and give staff direction regarding the implementation of a \$100 million General Obligation extendable commercial paper program.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with Option 1 which included \$100 million GO Extendable Commercial Paper program for presentation and final approval at a future meeting.

- F. ID 20-008 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) Joining a lawsuit regarding franchise fees and small cells.

The presentation was made and discussion followed.

Following discussion, results were as follows:

- Item 1 – Joining a lawsuit regarding franchise fees and small cells (Briggs)
 - Consensus to proceed with a future work session

The Work Session ended at 1:53 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 1:53 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 20-528 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 Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in pending litigation or appeal.

DELIBERATED

- - B. ID 20-587 Deliberations regarding a Personnel Matter - Under Government Code, Section 551.074; and Consultation with Attorneys - Under Texas Government Code, Section 551.071. Deliberate and discuss the appointment, employment, evaluation, discipline, duties, dismissal, complaints against, and contract of the Presiding Municipal Judge; consult with the City's attorneys regarding legal issues associated with the above, where a public discussion of the same would conflict with the duty of the City's attorneys to the City of Denton and the 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.

DELIBERATED

The Closed Meeting started at 1:53 p.m. and ended at 3:17 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, March 3, 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 City Manager Todd Hileman and City Attorney Aaron Leal

1. PLEDGE OF ALLEGIANCE

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

2. 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.
 - 1. ID 20-555 Lee Merritt, address not provided, regarding a request for a referendum exploring the policies and procedures concerning law enforcement interaction with people in crisis, particularly the police department's protocol for mental health issues - PRESENTED
- C. Additional Citizen Reports (Open Microphone)
 - Sam Alphonse, 380 Mill Street - regarding the Police Department and the public distrust of them; suggested a police committee of citizens that could review police cases
 - Emelia Capuchino, 2700 Colorado Blvd. - regarding transparency for Darius Tarver's family
 - Brooke Roberson, 1155 Union Circle - regarding the release of the body cam footage and the name of the police officer
 - Yohan Ogbu, 12488 Hawk Creek Drive, Frisco - regarding Black Lives Matter and the Darius Tarver tragedy
 - Billy Brasfield, P.O. Box 50834 - regarding police cover-ups in Denton
 - Daniel Ojo, 1621 Maple Street - regarding police brutality and release of body cam footage
 - Kevin Tarver, 208 Miller Street, McKinney - regarding his son's death, justice and transparency

The Regular Meeting was recessed at 7:10 p.m. for a short break and reconvened at 7:21 p.m.

3. CONSENT AGENDA

The consent agenda consisted of Items 3.A-I. There were no items pulled for individual consideration.

Council Member Briggs moved to adopt the Consent Agenda as presented. Motion seconded by Council Member Ryan. Motion carried.

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

ABSENT WHEN VOTE TAKEN (2): Council Members Davis and Armintor

- A. ID 20-466 Consider approval of a resolution of the City of Denton, Texas adopting a revised City of Denton Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

ASSIGNED RESOLUTION NO. 20-466

- B. ID 20-507 Consider approval of the minutes of February 18, 2020 and amendment of the minutes for February 4, 2020.

- C. ID 20-487 Consider adoption of an ordinance authorizing the City Manager to execute a Water Main Cost Participation Agreement between the City of Denton and Westray Group, LP, a Texas limited partnership, for the City's participation in the oversizing of water mains and in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefore; and providing an effective date. (in the not-to-exceed amount of \$137,758.00). Public Utilities Board recommends (6-0).

ASSIGNED ORDINANCE NO. 20-487

- D. ID 20-494 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 United Electronic Recycling, LLC, for electronic recycling services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 7156 - awarded to United Electronics Recycling, LLC, in the three (3) year not-to-exceed amount of \$161,252.20). The Public Utilities Board recommends approval (5 - 1).

ASSIGNED ORDINANCE NO. 20-494

- E. ID 20-495 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under RFP 7160 for the supply of scale house management software for the Solid Waste and Recycling department; and providing an effective date (RFP 7160). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 20-495

- F. ID 20-497 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager and the Purchasing agent for the emergency purchases for the State School Interceptor sewer line failure and the Hickory Creek forcemain break in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services made to preserve or protect the public health or safety of the municipality's residents is exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 6917 - State School failure expenditure of \$260,709.20 and Hickory Creek forcemain break expenditure of \$71,245.49). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 20-497

- G. ID 20-498 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 sole source agreement between the City of Denton and Telvent USA, LLC, amending the contract approved by City Council on May 7, 2013, in the not-to-exceed amount of \$491,813.75; amended by Amendments 1-2 approved by Purchasing; said third amendment to provide continued vendor support of the Denton Municipal Electric (DME) ArcFM Solution and associated software modules along with new hardware and software upgrades; which is the sole provider of this software, in accordance with the 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; providing for the expenditure of funds therefor; and providing an effective date (File 5770 - providing for an additional three (3) year term and third amendment expenditure amount not-to-exceed \$142,000, with the total contract amount not-to-exceed \$722,980.75). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 20-498

- H. ID 20-499 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship to the Texas Storytelling Association, in an amount not to exceed \$2,932 of in-kind services and resources for the 35th Annual Texas Storytelling Festival, which will be held on Thursday, March 12, through Sunday, March 15, 2020, at the Denton Civic Center; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-499

- I. ID 20-598 Consider a resolution authorizing the Mayor of the City of Denton to provide notice of administrative leave with pay to the Presiding Municipal Judge; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-598

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-288 Consider approval of a resolution of the City of Denton, Texas establishing a Subsidy and Resource Allocation Policy for the Parks and Recreation Department; and declaring an effective date.

ASSIGNED RESOLUTION NO. 20-288

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

ABSENT WHEN VOTE TAKEN (2): Council Members Davis and Armintor

- B. ID 20-411 Consider approval of a resolution supporting the Texas Department of Transportation's proposal for the removal of certain roadways from the state highway system within the City of Denton; and providing for an effective date.

NOT CONSIDERED; POSTPONED

The item was not presented or discussed.

Mayor Watts announced the item was postponed to March 17th.

- C. ID 20-412 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an amendment to an Advance Funding Agreement with the Texas Department of Transportation for an expansion of Mayhill Road from a two-lane rural roadway to a four-lane divided urban arterial roadway from IH 35 East to US 380 in the City of Denton; authorizing the expenditure of funds therefor; and providing an effective date.

NOT CONSIDERED; POSTPONED

The item was not presented or discussed.

Mayor Watts announced the item was postponed to March 17th.

- D. ID 20-429 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a design-build agreement with Thos. S. Byrne, Inc., for the design, engineering, and renovation of the Development Services Building, located at 401 North Elm Street; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7228 - awarded to Thos. S. Byrne, Inc., in the not-to-exceed amount of \$206,150).

ASSIGNED ORDINANCE NO. 20-429

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

ABSENT WHEN VOTE TAKEN (2): Council Members Davis and Armintor

The meeting was recessed at 7:48 p.m. for a short break and reconvened at 7:53 p.m.

- E. ID 20-496 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 Altec model aerial trucks for various City Departments: Electric Distribution, Electric Operations, Traffic, and Parks; authorizing the expenditure of funds therefor; and declaring an effective date (File 7287 - awarded to Altec Industries, Inc., in the two (2) year not-to-exceed amount of \$3,000,000). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 20-496

The item was presented and discussion followed.

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

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

ABSENT WHEN VOTE TAKEN (2): Council Members Davis and Armintor

- F. ID 20-441 Consider adoption of an ordinance of the City of Denton, Texas, amending ordinance No. 2012-366, as amended by ordinances 2014-039, 2014-274, 2015-370, and 2016-354 relating to Tax Increment Reinvestment Zone (TIRZ) Number Two, to amend the number of terms the developer representative may serve on the Board of Directors; repealing all conflicting ordinances and portions thereof; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-441

Items 4.F (ID 20-441) and 4.G (ID 20-440) were collectively read into the record and presented, with each item voted on individually.

Council Member Davis arrived at the meeting at 8:00 p.m.

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

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

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- G. ID 20-440 Consider adoption of an ordinance of the City of Denton, Texas approving the Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Bylaws; and declaring an effective date. The Tax Increment Reinvestment Zone Number Two Board recommends approval (12-0).

ASSIGNED ORDINANCE NO. 20-440

Items 4.F (ID 20-441) and 4.G (ID 20-440) were collectively read into the record and presented, with each item voted on individually.

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

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

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

5. PUBLIC HEARINGS

- A. Z19-0014c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in the zoning district and use classification from the Residential 4 (R4) zoning district and use classification to the Mixed-Use Neighborhood (MN) zoning district and use classification; on approximately 0.154 acres of land located at 311 Jannie Street, 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). (Z19-0014, Jannie Street, Cindy Jackson)

ASSIGNED ORDINANCE NO. Z19-0014c

The item was presented and discussion followed.

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

- Roger Yale (applicant), 1417 E McKinney - presented an overview of the proposed project
- La'Shadi Shemwell, address not provided, McKinney - regarding the Darius Tarver case

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

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

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

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- B. Z19-0013c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in the zoning district and use classification from Planned Development (PD) District to Residential 6 (R6) District on approximately 59.24 acres of land generally located west of South Bonnie Brae Street, approximately 1,604 feet south of the intersection of South Bonnie Brae Street and Killdeer Trail, 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 a severability clause and an effective date. The Planning and Zoning Commission recommends approval [6-0]. (Z19-0013c, Cambridge Brook, Sean Jacobson)

ASSIGNED ORDINANCE NO. Z19-0013c

The item was presented and discussion followed.

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

- Jerry Sylo (representing the applicant), 2121 Midway Road, Carrollton - presented an overview of the proposed project

With no other 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 (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Meltzer

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- C. DCA19-0024b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Denton Development Code Subchapter 2, "Administration and Procedures," related Alternative Environmentally Sensitive Area (ESA) Plans and platting. Providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (DCA19-0024b, Alternative ESA Plans and Platting, Julie Wyatt)

ASSIGNED ORDINANCE NO. DCA19-0024b

The item was presented and discussion followed.

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

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

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

NAYS (1): Council Member Meltzer

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- D. AESA20-0001b Hold a public hearing and consider an ordinance of the City of Denton, Texas approving a request to amend an Alternative Environmentally Sensitive Area Plan for approximately 49.9-acres of land generally located on the north side of West University Drive and west of North Masch Branch Road in the city of Denton, Denton County, Texas; adopting an amendment to the city's official ESA map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval with conditions (7-0). (AESA20-0001, Fisher 59, Christi Upton)

ASSIGNED ORDINANCE NO. AESA20-0001b

The item was presented and discussion followed.

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

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

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


NAYS (1): Council Member Meltzer

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

6. 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



JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: March 12, 2020