

CITY OF DENTON CITY COUNCIL MINUTES  
March 17, 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 17, 2020, at 1:07 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 Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: Council Member Keely Briggs

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**

Mayor Watts announced Work Session Item 3.A (ID 20-559) would be presented first after which Agenda Item 2 (Requests for Clarification) would follow. Therefore, this item was held to later in the Work Session.

**3. Work Session Reports**

- A. ID 20-669 Receive a report, hold a discussion, and give staff direction regarding a presentation from the Denton County Public Health Department on the recent global outbreak of Coronavirus Disease 2019 (COVID-19), and information pertaining to the City of Denton's response efforts.

The item was presented by Matt Richardson, Director of Denton County Public Health Department, followed by City staff.

Discussion followed.

The meeting was recessed for a short break at 2:25 p.m. and reconvened at 2:33 p.m.

Staff's presentation and discussion continued.

The meeting was recessed for a short break at 4:05 p.m. and reconvened at 4:16 p.m.

Discussion continued.

Following discussion, by consensus of the City Council, the order as being considered under Individual Consideration Item (ID 20-721) during the Regular Meeting being held in the evening to include provisions/needed changes addressed.

The meeting was recessed for a short break at 5:00 p.m. and reconvened at 5:10 p.m.

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

- Consent items 4.U (ID 20-604), 4.V (ID 20-660), and 4.W (ID 20-661) - As requested, staff provided clarification as to the possible conflict with proposed events which are to be considered later and the impact a possible emergency order would have on holding said events. (Armintor)
- Consent Agenda Item 4.M (ID 20-607) - Pulled for Individual Consideration. (Armintor)
- Consent Agenda Item 4. I (ID 20-599) - As requested, staff provided clarification that the item does meet clause. (Hudspeth)
- Individual Consideration Item (20-721) - Requested item be postponed and include public input on proposed Order on adding a meeting on March 31<sup>st</sup> to allow public input and not lose productivity. (Meltzer and Armintor)

Discussion was held on whether to continue the work session and upcoming Regular Meeting. As there was no City Council consensus reached to adjourn for the day, the proceedings continued as scheduled and posted.

**3. Work Session Reports (Continued)**

- B. ID 20-645 Receive a report, hold a discussion, and give staff direction regarding DME's proposed Electric Vehicle Charging Infrastructure Strategy.

Mayor Watts announced the item would not be presented and would be rescheduled at staff's request.

- C. ID 20-541 Receive a report, hold a discussion, and give staff direction regarding the Board of Ethics recommended amendments to the Ethics Ordinance.

Mayor Watts announced the item would not be presented and would be rescheduled at staff's request.

- D. ID 20-636 Receive a report, hold a discussion, and give staff direction regarding the Development Services Center building, with a focus on façade, public spaces, sustainability and budgetary considerations.

The item was presented and discussion followed.

Following discussion, staff was directed to continue with planning the renovations to the building in an amount of \$1 million and to return with the item to discuss at a future date.

- E. ID 20-009 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. Passing an "Engine Braking Prohibited" ordinance; and
  2. Producing a City of Denton-specific public health study.

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

The Work Session ended at 5:58 p.m.

#### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 5:58 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. Item 1.A (ID 20-641) was not deliberated and Item C (ID 20-720) was deliberated following the end of the Regular Meeting.
- A. ID 20-641 Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087; Deliberations regarding Real Property - Under Texas Government Code Section 551.072. 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 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; consultation with staff regarding these matters and financial or other incentives for both Hunter Ranch and Cole Ranch projects, a business prospect which the

City Council seeks to have locate, stay, or expand in or near the territory of the City, and with which the City Council is conducting economic development negotiations; consultation with staff regarding potential real property interests to be conveyed to the City which are located within both Hunter Ranch and Cole Ranch where the deliberations of same in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.

**NOT DELIBERATED**

- B. ID 20-692 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**

- C. ID 20-720 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys and discuss legal status, legal analysis, and strategy regarding the Darius Tarver incident, including, but not limited to, requests for the release of criminal investigation documents during the pendency of an on-going criminal investigation and grand jury proceeding, 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 AT THIS TIME; REFER TO PAGE 20.**

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 Work Session on Tuesday, March 17, 2020, at 6:38 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 Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

**ABSENT:** Council Member Keely Briggs

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**

- A. ID 20-666 Sexual Assault Awareness Month - ISSUED

**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 20-635 David Zoltner regarding Conflicts of Interest and Ethics Codes – NOT PRESENTED CANCELLED;
- C. Additional Citizen Reports (Open Microphone)
  - Paul Lebon, 2420 E. McKinney - regarding trains and effect on quiet zone as well as reflective lighting in crossings; Police Officer Riley assisted him when he had a flat tire and extended special thanks to him

**4. CONSENT AGENDA**

The consent agenda consisted of Items 3.A-Y. During the Work Session held earlier in the day, Item 3.M (ID 20-607) was pulled for Individual Consideration by Council Member Armintor.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 3.A-L and 3.N-Y. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Briggs

- A. ID 20-420 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, repealing Ordinance NO. 19-110; approving and adopting the 2020 Denton Municipal Electric - Energy Risk Management Policy; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements as are authorized by the 2020 ERMP, which are incident to or related thereto; confirming that the city of Denton, Texas, its Mayor, its City Council members, its City Manager, or his designees, its City Attorney, or his designees, and its City Secretary, or her designees, shall be authorized and empowered to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2020 ERMP; finding that the purchase of electricity, natural gas and related commodities and instruments are exempt from the requirements of competitive bidding; finding that the purchase of electric energy, natural gas and related commodities and instruments made by the city under the terms of the 2020 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; providing an effective date. Public Utilities Board recommends approval (7-0).

**ASSIGNED ORDINANCE NO. 20-420**

- B. ID 20-485 Consider approval of a resolution revising Administrative Policy No. 403.07 "Debt Service Management"; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

**ASSIGNED RESOLUTION NO. 20-485**

- C. ID 20-557 Consider adoption of an ordinance of the City of Denton approving a Consent to Collateral Assignment of an Airport Lease covering property located at 4850 Spartan Drive, between Sykes-Vaughan Investments, LLC and BBVA USA; and providing an effective date. Council Airport Committee recommends approval (3-0).

**ASSIGNED ORDINANCE NO. 20-557**

- D. ID 20-558 Consider adoption of an ordinance of the City of Denton approving a Consent to Collateral Assignment of an Airport Lease covering property located at 5007 Spartan Drive, between Sykes-Vaughan Investments, LLC and BBVA USA; and providing an effective date. Council Airport Committee recommends approval (3-0).

**ASSIGNED ORDINANCE NO. 20-558**

- E. ID 20-559 Consider adoption of an ordinance of the City of Denton approving a Consent to Collateral Assignment of an Airport Lease covering property located at 4700 Spartan Drive, between Sykes-Vaughan Investments, LLC and BBVA USA; and providing an effective date. Council Airport Committee recommends approval (3-0).

**ASSIGNED ORDINANCE NO. 20-559**

- F. ID 20-560 Consider adoption of an ordinance of the City of Denton approving a Consent to Collateral Assignment of an Airport Lease covering property located at 4849 Spartan Drive, between Sykes-Vaughan Investments, LLC and BBVA USA; and providing an effective date. Council Airport Committee recommends approval (3-0).

**ASSIGNED ORDINANCE NO. 20-560**

- G. ID 20-593 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 Romco Equipment Co., LLC, through the Buy Board Cooperative Purchasing Network Contract # 597-19, for the acquisition of one (1) Volvo Model ECR88D Compact Excavator for the Drainage Department and additional maintenance and repair services as required; providing for the expenditure of funds therefor; and providing an effective date (File 7293 - awarded to Romco Equipment Co., LLC, in the amount of \$206,062). The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 20-593**

- H. ID 20-594 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 Charter Communications Operating, LLC, for internet services; providing for the expenditure of funds therefor; and providing an effective date (RFP 7052 - awarded to Charter Communications Operating, LLC, 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 \$265,980).

**ASSIGNED ORDINANCE NO. 20-594**

- I. ID 20-599 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 Commercial Electronics Corporation, to provide Motorola API (Application Programming Interface) for the HigherGround and Motorola Project 25 Land Mobile Radio applications, 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 7180 - awarded to Commercial Electronics Corporation, in the five (5) year not-to-exceed amount of \$169,804.37).

**ASSIGNED ORDINANCE NO. 20-599**

- J. ID 20-600 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 Jagoe-Public Company, for the construction of the Airport Landside Paving project for the City of Denton for street segments as follows: John Carrell, Spartan Drive, Lockheed Lane, and Skylane; providing for the expenditure of funds therefor; and providing an effective date (IFB 7239 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$855,163.75).

**ASSIGNED ORDINANCE NO. 20-600**

- K. ID 20-602 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager or his designee, to execute a contract through the State of Texas Smart Buy Program for the purchase of library audiovisual materials as awarded by State of Texas Contract Number 715-M2 Publications, Audiovisual Materials, Books, and Cataloging Services (Prepared Materials Only); providing for the expenditure of funds therefore; and providing an effective date (File 7309 - awarded to Midwest Tape, LLC, in the not-to-exceed amount of \$200,000).

**ASSIGNED ORDINANCE NO. 20-602**

- L. ID 20-606 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 Crown Correctional Telephone, Inc., for inmate telephone service, software, maintenance and support for the Denton Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7198 - awarded to Crown Correctional Telephone, Inc., for a three (3) year term, with the option for two (2) additional one (1) year extensions).

**ASSIGNED ORDINANCE NO. 20-606**

- N. ID 20-608 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 Huffmans Empire Construction, Inc., for graffiti abatement of Denton Municipal Electric and interior and exterior painting of City facilities, providing for the expenditure of funds therefor; and providing an effective date (IFB 7173-2 - awarded to the lowest responsive bidder, Huffmans Empire Construction Inc., for a three (3) year not-to-exceed amount of \$330,000).

**ASSIGNED ORDINANCE NO. 20-608**

- O. ID 20-609 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 Intervet, Inc. dba Merck Animal Health, for the supply of veterinary and animal health supplies for the City of Denton's Animal Services Shelter; providing for the expenditure of funds therefor; and providing an effective date (IFB 7178 - awarded to the lowest responsive bidder for each line item: Intervet, Inc. dba Merck Animal Health, in a total five (5) year, not-to-exceed amount of \$275,000).

**ASSIGNED ORDINANCE NO. 20-609**

- P. ID 20-610 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 Veterinary Supply Inc., for the supply of veterinary and animal health supplies for the City of Denton's Animal Services Shelter; providing for the expenditure of funds therefor; and providing an effective date (IFB 7178 - awarded to the lowest responsive bidder for each line item: Midwest Veterinary Supply Inc., in a total five (5) year not-to-exceed amount of \$1,300,000).

**ASSIGNED ORDINANCE NO. 20-610**

- Q. ID 20-611 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 Core & Main LP, for the supply of water and sewer inventory parts to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7187 - awarded to the lowest responsive bidder for each line item: Core & Main LP, in a total four (4) year, not-to-exceed amount of \$5,800,000).

**ASSIGNED ORDINANCE NO. 20-611**

- R. ID 20-612 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 Ferguson Enterprises, LLC, for the supply of water and sewer inventory parts to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7187 - awarded to the lowest responsive bidder for each line item: Ferguson Enterprises, LLC, in a total four (4) year, not-to-exceed amount of \$3,630,000).

**ASSIGNED ORDINANCE NO. 20-612**

- S. ID 20-613 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 PowerSeal Pipeline Products, For the supply of water and sewer inventory parts to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7187 - awarded to the lowest responsive bidder for Section I - Repair Clamps: PowerSeal Pipeline Products, Inc, in a total four (4) year, not-to-exceed amount of \$160,000).

**ASSIGNED ORDINANCE NO. 20-613**

- T. ID 20-618 Consider approval of the minutes of February 25, March 2, and March 3, 2020.

- U. ID 20-604 Consider approval of a resolution of the City of Denton allowing The Bearded Monk to sell alcoholic beverages at the Denton Parks Foundation Adult Egg Hunt, on Friday, April 3, 2020, from 7:30 p.m. to 10:00 p.m., at the G. Roland Vela Athletic Complex, upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 20-604**

- V. ID 20-660 Consider approval of a resolution of the City of Denton allowing The Bearded Monk to sell alcoholic beverages at the Denton Parks Foundation Return to Recess, on Friday, April 17, 2020, from 6:00 p.m. to 9:00 p.m., at Industrial Park, upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 20-660**

- W. ID 20-661 Consider approval of a resolution of the City of Denton allowing The Bearded Monk to sell alcoholic beverages at the Denton Parks Foundation Return to Recess, on Friday, April 17, 2020, from 6:00 p.m. to 9:00 p.m., at William Trade Square parking lot, upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 20-661**

- X. ID 20-670 Consider adoption of an ordinance authorizing expenditure of \$442,000 in previously budgeted funds for outside counsel and other previously discussed trial and appellate expenses in litigation styled "Michael Grim and Jim Maynard v. City of Denton, Texas," tried in the 68th Judicial District Court, Dallas County, Texas; and declaring an effective date.

**ASSIGNED ORDINANCE NO. 20-670**

- Y. PD19-0003c Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. PD19-0003a relating to the development plan map; providing for a savings clause and an effective date. (PD19-0003, Ryan Way, Hayley Zagurski)

**ASSIGNED ORDINANCE NO. PD19-0003c**

**ITEM PULLED FOR INDIVIDUAL CONSIDERATION**

- M. ID 20-607 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 Frank J. Conner, for graffiti abatement of public and private property, providing for the expenditure of funds therefor; and providing an effective date (IFB 7173-2 - awarded to the lowest responsive bidder, Frank J. Conner, for a three (3) year not-to-exceed amount of \$75,000).

**ASSIGNED ORDINANCE NO. 20-607**

*Pulled for individual consideration by Council Member Armintor.*

The item was presented and discussion followed.

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

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

NAYS (0): None

ABSENT (1): Council Member Briggs

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 20-721 Consider a local declaration of local disaster for public health emergency regarding the SARS-CoV2 which causes the disease COVID-19 pursuant to the Mayoral Proclamation of March 13, 2020 and the authority in Section 9-22 of the Denton Code of Ordinances and Section 416.108 of the Texas Government Code.

**ASSIGNED ORDINANCE NO. 20-721**

The item was presented with an updated Order and ordinance distributed to City Council which included changes as discussed during Work Session Item 3.A (ID 20-669).

Discussion followed with additional amendments identified.

The following spoke on the item:

- Nyx, 305 N. Loop 288 - regarding the need to defer rental payments; unemployed will have difficulty paying
- George Ferrie, 2932 Stockton Street - regarding social distancing and not giving local business owners the option of limiting seating; need to require curbside pickup and delivery; owners will want their employees to work and make money, but not to put them in danger because there are bills to pay/put food on the table

Council Member Davis moved to adopt the proposed Ordinance and Order with the following amendments:

- Prohibit community gatherings of one hundred (100) persons or more;
- Order to begin March 18, 2020 at 12:01 a.m. through April 30, 2020 at 11:59 p.m.;
- Urge all individuals avoid gatherings of fifty (50) persons or more as defined by CDC;
- Define "Community Gathering" as defined by CDC;
- Provide for exclusions as defined by the CDC;
- Urge all restaurants and bars to limit occupancy to fifty percent (50%) or less;
- Provide for suspension of all board meetings with the exception of the Planning and Zoning Commission;
- Provide for procedural changes as it relates to Development Services; and
- Grant the City Manager authority to accept and request federal assistance, receive donations, terminate events, and approval of up to \$500,000 for general expenditures

Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- B. ID 20-479 Consider adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, authorizing the City Manager to execute an Interlocal Cooperation Agreement with Denton County, Texas, a duly organized political subdivision of the State of Texas, for the construction of the South Bonnie Brae Street phase II/Vintage Blvd Project, wherein Denton County agrees to contribute an amount not to exceed Five Million Seven Hundred Fifty Thousand Dollars (\$5,750,000); authorizing the expenditure of funds thereof; and declaring an effective date.

**ASSIGNED ORDINANCE NO. 20-479**

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

Council Member Meltzer moved to postpone the item to allow a 72-hour notice to the public on consideration of the item. Motion seconded by Council Member Armintor. Motion failed.

AYES (2): Council Members Armintor and Meltzer

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

ABSTAIN (1): Council Member Davis

ABSENT (1): Council Member Briggs

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

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

NAYS (1): Council Member Armintor

ABSTAIN (1): Council Member Davis

ABSENT (1): Council Member Briggs

- C. ID 20-591 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 Relient Emissions Testing, Inc., for the supply of Engine Emissions Performance testing services for the electric generating equipment at the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7245 - awarded to Relient Emissions Testing, Inc., for three (3) years, with the option of three (3) additional one (1) year extensions, in the total six (6) year not-to-exceed amount of \$72,000. The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 20-591**

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, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- D. ID 20-592 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 ABB, Inc., for the supply of ABB Turbo Charger Cartridges for the electric generating equipment at the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7247 - awarded to ABB, Inc., in the not-to-exceed amount of \$418,061.60). The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 20-592**

The item was presented and no discussion followed.

Mayor Pro Tem Hudspeth 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 Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- E. ID 20-605 Consider adoption of an ordinance of the City Of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 4 to the contract between the City of Denton and Ragle, Inc. for the construction of the South Bonnie Brae Street Widening and Improvements Project Phase 1; providing for the expenditure of funds therefor; and providing an effective date (IFB 6390 - Change Order No. 4 in the not-to-exceed amount of \$246,971.93, for a total contract award aggregated to \$12,683,171.52).

**ASSIGNED ORDINANCE NO. 20-605**

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

NAYS (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- F. ID 20-652 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 2 to the contract between the City of Denton and DDM Construction Corporation, for the Bonnie Brae Roundabout; providing for the expenditure of funds therefor; and providing an effective date (IFB 7027 - Change Order No. 2 in the not-to-exceed amount of \$116,258.81 for a total contract award aggregated to \$3,607,105.86).

**ASSIGNED ORDINANCE NO. 20-652**

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

NAYS (0): None

ABSENT (1): Council Members Briggs

The meeting was recessed for a short break at 7:57 p.m. and reconvened at 8:05 p.m.

**6. PUBLIC HEARINGS**

- A. ID 20-504 Hold a public hearing and consider approval of a resolution adopting the City of Denton's Policy for Tax Abatements and Incentives.

**ASSIGNED RESOLUTION NO. 20-504**

The item was presented and discussion followed.

Council Member Armintor moved to postpone the item until such time as the full City Council was in attendance and the public could participate. Motion seconded by Council Member Meltzer. Motion failed.

AYES (2): Council Members Armintor and Meltzer

NAYS (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis and Ryan

ABSENT (1): Council Member Briggs

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

- Jennifer Lane, 1526 Willowwood Ln. - requested the public hearing be postponed to allow public participation; meeting not set up to allow speakers

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

At 8:18 p.m., Council Member Armintor stated she was departing from the meeting.

Mayor Pro Tem Hudspeth 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 Davis, Ryan, and Meltzer

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- B. MPC19-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a major amendment to the Cole Ranch Master Planned Community (MPC) district to supersede Ordinance No. 2008-030 on approximately 3,169.4 acres of land described on exhibit a, generally located west of Interstate 35 West, south of Tom Cole Road, bounded by Tom Cole Road to the north, bisected by FM 2449 near the center of the property, bounded on the eastern side by John Payne Road south of FM 2449 and Underwood Road north of FM 2449; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, and providing for severability and an effective date. (MPC19-0001: Cole Ranch). The Planning and Zoning Commission Recommends Approval [6-0]. (MPC19-0001, Cole Ranch MPC, Richard Cannone)

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- C. MPC19-0002a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a major amendment to the Hunter Ranch Master Planned Community (MPC) district to supersede Ordinance Nos. 2008-286 and 2010-160 on approximately 3,167 acres of land described in exhibit a, generally located on both sides of I-35w, between Robson Ranch Road and Vintage Boulevard in the City of Denton, Denton county, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, and providing for severability and an effective date. (MPC19-0002 - Hunter Ranch)

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- D. MPC19-0002b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in the zoning district from the Mixed-Use Neighborhood (MN) Zoning District and use classification on approximately 35.66 acres of land to Hunter Ranch Master Planned Community (MPC) Zoning District and use classification and from Planned Development (PD) Zoning District on approximately 2.24 acres of land to Hunter Ranch Master Planned Community (MPC) Zoning district and use classification, generally located west of I-35W, between Allred Road and Robson Ranch Road, 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. (MPC19-0002 - Hunter Ranch District Boundary)

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

**7. ITEMS FOR INDIVIDUAL CONSIDERATION (CONTINUED)**

- A. ID 20-654 Consider adoption of an ordinance of the City of Denton authorizing the execution of an operating agreement with "Cole Ranch Improvement District No. 1 of Denton County, Texas", relative to funding, ownership, maintenance, and repair of public improvements serving property located within the "Cole Ranch Improvement District No. 1 of Denton County, Texas" and other related matters; and providing an effective date

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- B. ID 20-655 Consider adoption of an ordinance of the City of Denton authorizing the execution of a project agreement with SLF II Cole Property, L.P. relative to funding, ownership, maintenance, and repair of public improvements serving property located within the "Cole Ranch Improvement District No. 1 of Denton County, Texas" and other related matters; and providing an effective date (Contract #7331)

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- C. ID 20-656 Consider approval of a resolution of the City of Denton, Texas, consenting to the creation of "Cole Ranch Improvement District No. 1 of Denton County, Texas" and the inclusion of land therein; and providing an effective date.

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- D. ID 20-657 Consider adoption of an ordinance of the City of Denton authorizing the execution of an operating agreement with "Hunter Ranch Improvement District No. 1 of Denton County, Texas", relative to funding, ownership, maintenance, and repair of public improvements serving property located within the "Hunter Ranch Improvement District No. 1 of Denton County, Texas" and other related matters; and providing an effective date

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

ABSENT (1): Council Members Briggs

- E. ID 20-658 Consider adoption of an ordinance of the City of Denton authorizing the execution of a project agreement with Petrus Investment, L.P. relative to funding, ownership, maintenance, and repair of public improvements serving property located within the "Hunter Ranch Improvement District No. 1 of Denton County, Texas" and other related matters; and providing an effective date (Contract #7330).

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, and Meltzer  
NAYS (0): None  
ABSENT WHEN VOTE TAKEN (1): Council Member Armintor  
ABSENT (1): Council Members Briggs

- F. ID 20-659 Consider approval of a resolution of the City of Denton, Texas, consenting to the creation of "Hunter Ranch Improvement District No. 1 of Denton County, Texas" and the inclusion of land therein; and providing an effective date.

Mayor Watts read the article from *The Texas Tribune* noting the Attorney General's position and stated continuing with the public hearings would be problematic.

Mayor Watts moved to postpone all remaining Public Hearing Items [6.B (ID MPC19-0001a), 6.C (ID MPC19-0002a), 6.D (ID MPC19-0002b)], and remaining Individual Consideration Items, [7.A (ID 20-654), 7.B (ID 20-655), 7.C (ID 20-656), 7.D (ID 20-657), 7.E (ID 20-658), 7.F (ID 20-659)], to April 7th. Motion seconded by Council Member Davis. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, and Meltzer  
NAYS (0): None  
ABSENT WHEN VOTE TAKEN (1): Council Member Armintor  
ABSENT (1): Council Members Briggs

## 8. CONCLUDING ITEMS

The item was suspended; all Council Members were asked to send any information to the City Manager.

The Regular Meeting ended at 8:47 p.m.

As announced during the first Closed Meeting, the remaining item noted below was presented for deliberation.

**CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 8:47 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
  - C. ID 20-720 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys and discuss legal status, legal analysis, and strategy regarding the Darius Tarver incident, including, but not limited to, requests for the release of criminal investigation documents during the pendency of an on-going criminal investigation and grand jury proceeding, 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.

**DELIBERATED**

Council Member Armintor had filed a conflict of interest on the item. However, as she had departed during the Regular Meeting, no conflict existed.

The Closed Meeting started at 8:52 p.m. and ended at 9:45 p.m. No votes or actions were taken during the Closed Meeting.

With no further business, the meeting was adjourned at 9:45 p.m.

  
\_\_\_\_\_  
CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

  
\_\_\_\_\_  
ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: April 21, 2020