

CITY OF DENTON CITY COUNCIL MINUTES  
May 5, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, May 5, 2020, at 2:05 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: None

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

**Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer will be participating in the closed meeting, work session, and regular meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.**

**The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process is not read, each member of the City Council received each registration as it was submitted.**

**WORK SESSION**

1. **Citizen Comments on Consent Agenda Items**

None.

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

- Consent Item 2.G (ID 20-869) - As requested, staff clarified the type of chemical sprays to be used as well as the hazardous population trying to be reduced. (Briggs)
- Consent Item 2.G (ID 20-869) - Pulled for Individual Consideration. (Armintor)
- Consent Item 2.H (ID 20-970) - Pulled for Individual Consideration. (Meltzer, Armintor)
- Consent Item 2.I (ID 20-881) - Request for an Informal Staff Report showing changes to the floodplain. (Meltzer)
- Consent Item 2.N (ID 20-930) - As requested, staff clarified the opening of Fire Station #8 scheduled for February 2021, with additional information to follow on cancellation of lease once building is occupied. (Briggs)

### 3. Work Session Reports

- A. ID 20-832 Receive reports, hold discussions, and give staff direction on the following with respect to Green Tree Estates:
1. Actions taken, and expenditures made, by the City in accordance with the Mayor's Declaration of Disaster and Ordinance No. 19-2784 as modified;
  2. Existing site conditions;
  3. Code compliance observations, issues, and resolutions;
  4. Extension of the declaration of disaster and temporary water provision beyond May 22, 2020;
  5. Water, infrastructure improvement options; and
  6. Alternative housing solutions for the residents.

The item was presented and discussion followed.

At 3:47 p.m., the City Council convened into its scheduled Closed Meeting to deliberate under Item 1.B (ID 20-922), Consultation with Attorneys under Texas Government Code Section 551.071. Therefore, the item was held for discussion following that deliberation.

The closed meeting ended at 4:13 p.m.; no votes or actions were taken during the closed meeting.

At 4:27 p.m., the Work Session was resumed. Discussion on the item continued.

Following discussion, by City Council consensus, staff was directed to continue as follows:

- Extend Declaration to July 31, 2020
- Waive \$9,204 cost of line extension, provided:
  - June 12 City Customer Service Inspections are completed
  - July 3 Property owners pay \$6,938 tap, meter, and impact fee
  - July 17 Meters are set for those that have paid city fees
  - July 24 Residences are connected to the City's water system
- On July 31, emergency declaration and temporary water service ends
- Beginning June 12, connected residences become normal water customers and accounts will be established under the name of those people occupying the homes
- At the July 14 meeting, City Council is to receive an update to discuss the above-noted issues in further detail
- Beginning immediately, no water will be delivered to residents at the 14 properties once the property is vacated (no new residents/accounts permitted for that service once the existing resident vacates the property)

The Work Session was recessed for a short break at 5:24 p.m. and reconvened at 5:41 p.m.

- B. ID 20-863 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item related, in part, to Consent Item 2.L (ID 20-923) to be considered at the Regular Meeting being held later in the evening.

The item was presented and discussion followed.

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

- C. ID 20-731 Receive a report, hold a discussion, and give staff direction regarding the 2019-20 Audit Plan.

The item was presented and discussion followed.

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

The Work Session ended at 6:40 p.m.

#### **CLOSED MEETING**

NOTE: The Closed Meeting was held in between the time that Work Session Item 3.A (ID 20-832) was being presented and discussed.

1. The City Council convened into a Closed Meeting at 3:47 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 20-921) was not deliberated.
- A. ID 20-921 Consultation with Attorneys- Under Texas Government Code Section 551.071. Consultation, discussion, deliberation, and receipt of a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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**

- B. ID 20-922 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with the City's attorneys regarding legal issues associated with the City's activities and actions related to Green Tree Estates, its residents, and property owners and the Declaration of Disaster and associated Council action affecting the same 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 Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations, potential litigation, or administrative proceedings.  
**DELIBERATED**

The item related, in part, to Work Session Item 3.A (ID 20-832) discussed earlier in the day.

The Closed Meeting started at 3:56 p.m. and ended at 4:13 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, May 5, 2020, at 6:55 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

**ABSENT:** None

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

**Note:** Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer will be participating in the closed meeting, work session, and regular meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process is not read, each member of the City Council received each registration as it was submitted.

#### **1. 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) Pre-registration.

None.

2) Open Microphone.

None.

**2. CONSENT AGENDA**

The Consent Agenda consisted of Items 2.A-N. During the Work Session held earlier in the day, Item 2.G (ID 20-869) was pulled for Individual Consideration by Council Member Armintor. Item 2.H (ID 20-870) was pulled for Individual Consideration by Council Members Armintor and Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of items 2.A-2.F and 2.I-2.M. 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

- A. ID 20-680 Consider adoption of an ordinance of the City of Denton approving a consent to assignment of an Airport Lease between Tony A. Riley and James W. Huff and Nancy Huff, covering property at 4710 Lockheed, Denton, Texas at the Denton Enterprise Airport; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-680**

- B. ID 20-841 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and CASA of Denton County to provide Community Development Block Grant funds for improvements to the facility at 604 and 610 North Bell Avenue, Denton, Texas; authorizing the expenditure of funds not to exceed \$40,000.00; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-841**

- C. ID 20-842 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Grace Like Rain Inc. to provide Community Development Block Grant funds for pre-development costs for the construction of a community village in Denton, Texas; authorizing the expenditure of funds not to exceed \$80,932; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-842**

- D. ID 20-843 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Habitat for Humanity of Denton County to provide Community Development Block Grant funds for acquisition of a minimum of four single-family lots; authorizing the expenditure of funds not to exceed \$220,000.00; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-843**

- E. ID 20-867 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 Siddons-Martin Emergency Group, LLC, through the Buy Board Cooperative Purchasing Network Contract # 571-18, for the purchase of associated equipment for Pierce Velocity TM Pumper Engine for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date. (File 7339 - awarded to Siddons-Martin Emergency Group, LLC, in the amount of \$109,399.87).

**ASSIGNED ORDINANCE NO. 20-867**

- F. ID 20-868 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFQ 7196 for professional services for the preparation of a Comprehensive Plan Evaluation Report and to update the Comprehensive Plan; and providing an effective date (RFQ 7196).

**ASSIGNED ORDINANCE NO. 20-868**

- I. ID 20-881 Consider adoption of an ordinance of the City of Denton repealing and replacing Chapter 30, titled "Flood Prevention and Protection," of the Denton Code of Ordinances; providing a repealer clause; providing for penalties; providing for codification; providing a severability clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-881**

- J. ID 20-882 Consider adoption of an ordinance approving a grade-separated road crossing Preliminary Engineering Contract by and between the City of Denton and the Kansas City Southern Railroad Company (KCSRR) relating to the widening and realignment of Hickory Creek Road within the railroad right-of-way located at KCSRR Mile Post 99.54, within the County and City of Denton, Texas; providing for the expenditure of funds (the initial estimate is \$20,000.00 for Preliminary Engineering; the City will receive a final invoice upon completion of the work); and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-882**

- K. ID 20-884 Consider approval of the minutes of April 21, 2020.



- L. ID 20-923 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, confirming the effective period of the declared state of local disaster; superseding and replacing the Third Order of Council of the City of Denton issued April 30, 2020 approved by Ordinance 20-873; confirming and authorizing the expenditure of funds; providing a repealer clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-923**

- M. ID 20-928 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving First Amendment of Lease between the City and 4SR Mulberry, LLC, a Texas limited liability company, related to a Building Lease Agreement for properties located at 215 W. Hickory St. and 216 W. Mulberry St., Denton, Texas; providing authority for the City Manager to execute the amendment; and, providing an effective date.

**ASSIGNED ORDINANCE NO. 20-928**

- N. ID 20-930 Consider adoption of an ordinance of the City of Denton approving and authorizing the City Manager or his designee to sign a Second Amendment to Medical Office Building Lease by and between Columbia Medical Center of Denton Subsidiary, L.P. and the City of Denton for the continued use and occupancy of the premises at 3535A-1 South I-35E Denton, Texas by the City of Denton Fire Department; authorizing the City Manager to sign a letter agreement related to the same property for a two month rent abatement and two month lease extension; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 20-930**

#### **ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- G. ID 20-869 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through the City of Arlington, for the Airfield Vegetation Management Program at Denton Enterprise Airport, as awarded by the City of Arlington IFB #20-0032; providing for the expenditure of funds therefor; and providing an effective date (File 7333 - awarded to Nexus Solutions USA, Inc. in the not-to-exceed amount of \$130,000).

**ASSIGNED ORDINANCE NO. 20-869**

*Pulled for Individual Consideration by Council Member Armintor.*

The item was presented with no discussion following.

Council Member Ryan moved to adopt 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

NAYS (1): Council Member Armintor

- H. ID 20-870 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the University of North Texas, under the Government Code, Chapter 791.001, to authorize City of Denton contracts for the purchase of gymnasium rental space for the Parks and Recreation Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7337 - award an Interlocal Cooperative Purchasing Agreement with the University Of North Texas, 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 \$225,000).

**ASSIGNED ORDINANCE NO. 20-870**

*Pulled for Individual Consideration by Council Members Armintor and Meltzer.*

Council Members Armintor and Meltzer had a conflict of interest on the item and were removed from the video conference for this item, thereby not participating on consideration of the item.

There was no presentation or discussion on the item.

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

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

NAYS (0): None

ABSTAIN (2): Council Members Armintor and Meltzer

**3. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 20-616 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.

**ASSIGNED RESOLUTION NO. 20-616**

The item was presented and discussion followed.

Mayor Watts announced there were no online registrations or call-ins on the item.

Council Member Meltzer moved to deny the item. Motion seconded by Council Member Armintor. Motion failed.

AYES (2): Council Members Armintor and Meltzer

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



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

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

NAYS (2): Council Members Armintor and Meltzer

- B. ID 20-744 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to select a vendor to provide the City with, to purchase, and to execute an agreement for, generation utility plant forced outage insurance; authorizing the expenditure of funds; and, providing an effective date (RFP No. 7306-awarded to selected vendor in a not-to-exceed amount of \$800,000 for DEC Forced Outage Insurance).

**ASSIGNED ORDINANCE NO. 20-744**

The item was presented and discussion followed.

Mayor Watts announced there were no online registrations or call-ins on the item.

Council Member Briggs 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 Briggs, Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

- C. ID 20-920 Consider approval of a resolution creating an Interim Municipal Utility District (MUD) Policy for the City and the Extraterritorial Jurisdiction (ETJ); and providing for an effective date.

**ASSIGNED ORDINANCE NO. 20-920**

The item was presented and no discussion followed.

Mayor Watts announced there were no online registrations or call-ins on the item.

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

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

NAYS (0): None

#### **4. PUBLIC HEARING(S)**

- A. Z20-0001b 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 2 (R2) zoning district and use classification to the Mixed-Use Neighborhood (MN) zoning district and use classification; on approximately 3.46 acres of land located on the northeast side of I-35, approximately 196-feet northwest of Thunderbird Drive, 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 with conditions (5-0) (Z20-0001, I-35 Offices, Cindy Jackson)

##### **ASSIGNED ORDINANCE NO. Z20-0001b**

The item was presented and discussion followed.

With the public hearing opened, speakers were called.

Citizen comments received are noted in Exhibit A.

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item.

With no other callers waiting to speak, the public hearing was closed.

Mayor Watts announced the summary of public commentary/registrations. See Exhibit A for details.

- 0 online comments
- 1 call-in: 1 in Support and 0 in Opposition

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

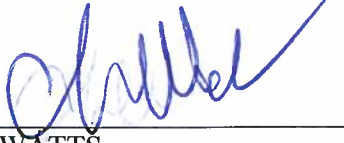
AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

#### **5. CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:14 p.m.



CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: MAY 12, 2020

**May 5, 2020 City Council Regular Meeting - EXHIBIT A**

**Speaker Commentaries/Registrations  
Online, Email, Phone**

<b>Name</b>	<b>Last</b>	<b>Address</b>	<b>City</b>	<b>Agenda Item</b>	<b>Position</b>	<b>Method</b>	<b>Comments</b>
Lee	Allison	2415 N. Elm Street	Denton	Z20-0001b	Applicant	Telephone	Provided an overview of the proposed project.

NOTE: Comments for those citizens addressing the City Council are an abbreviated summary.