

CITY OF DENTON CITY COUNCIL MINUTES
June 2, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, June 2, 2020, at 2:06 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

Council Member Armintor was unable to join the Work Session until 2:43 p.m. due to technical difficulties.

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer participated in the work session, closed meeting, 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**

Citizen comments received are noted in Exhibit A.

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

- Consent Item 4.E (ID-20-979) - Pulled for Individual Consideration. (Armintor)

3. **Work Session Reports**

- A. ID 20-943 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item was not presented as there were no updates as of the May 31, 2020 presentation.

- B. ID 20-989 Receive a report, hold a discussion, and give staff direction regarding City of Denton appointees to District Boards for the Hunter Ranch and Cole Ranch municipal management districts.

During presentation of the item, the Work Session was recessed at 2:12 p.m. to allow review for technical difficulties in connecting Council Member Armintor to the meeting and reconvened at 2:43 p.m.

Presentation of the item and discussion continued.

Following discussion, City Council consensus was to proceed with Option 1, to submit nominations and consider appointment on June 9. City Attorney's Office to provide a report on which members of existing boards/commissions would not be eligible to serve on these boards.

- C. ID 20-963 Receive a report, hold a discussion, and give staff direction regarding an internal audit of Facilities Maintenance.

The item was presented and discussion followed.

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

- D. ID 20-990 Receive a report, hold a discussion, and give staff direction regarding funding recommendations from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC) for the proposed activities to be included in the 2020-2022 Consolidated Plan for Housing and Community Development and 2020 Action Plan.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with CDAC and HSAC recommendations on CDBG and HOME funds and continue with the proposed timeline for submission of the Consolidated Plan and Action Plan to the Department of Housing and Urban Development.

- E. ID 20-992 Receive a report, hold a discussion, and give staff direction regarding a request for a resolution of support from a developer applying for 4% housing tax credit with the Texas Department of Housing and Community Affairs.

The item was presented and discussion followed.

Questions were asked of the developer (applicant); commentary are noted in Exhibit A.

Following discussion, staff was directed to proceed with scheduling an item for further discussion and formal consideration at the June 16 meeting.

- F. ID 20-671 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: (1) Work session to discuss allowing businesses to utilize public parking spaces and right-of-way areas to extend their outdoor seating areas.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 20-671: 1. Work session to discuss allowing businesses to utilize public parking spaces and right-of-way areas to extend their outdoor seating areas.
 - Consensus to schedule a Work Session on the item.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:44 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

- A. ID 20-1053 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, expenses, strategy and options for 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.

DELIBERATED

- B. ID 20-1057 Deliberate regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to leases of Airport property in and around Warbird Drive, Sabre Lane, Airport Rd., Spartan Dr., John Carrell Rd., Skylane Rd., Lockheed Lane, and existing airport ramp space 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 or potential litigation. Consultation with the City's attorneys regarding legal issues associated with Airport leases of in and around Warbird Drive, Sabre Lane, Airport Rd., Spartan Dr., John Carrell Rd., Skylane Rd., Lockheed Lane, and existing airport ramp and of potential claims

made against the City in late 2019, 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

Item applicable to Individual Consideration Items 6.C (ID 20-1010) and 6.D (ID 20-1011) scheduled for formal consideration at the Regular Meeting that followed.

The Closed Meeting started at 4:09 p.m. and ended at 4:57 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, June 2, 2020, at 6:36 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 participated in the work session, closed meeting, 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. 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. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.

- 1) Receive Scheduled Citizen Reports from Members of the Public

None

- 2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted in Exhibit A.

4. **CONSENT AGENDA**

The Consent Agenda consisted of Items 4.A-H. During the Work Session held earlier in the day, Item 4.E (ID-20-979) was pulled for Individual Consideration by Council Member Armintor.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of items 4.A-D and 4.F-H. 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 20-885 Consider approval of the minutes of May 12 and May 19, 2020.

Citizen comments received are noted in Exhibit A.

- B. ID 20-975 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 Questcare Medical Services, PLLC, for the performance of medical direction services for the Denton Fire Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7183 - awarded to Questcare Medical Services, PLLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$400,000).

ASSIGNED ORDINANCE NO. 20-975

- C. ID 20-977 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 Connect Technology Group, LLC for structured data cabling services for construction/renovation projects within existing facilities, and projected new construction for voice and data communications supporting daily operations; providing for the expenditure of funds therefor; and providing an effective date (RFP 7260 - awarded to Connect Technology Group, LLC in the 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 \$983,850).

ASSIGNED ORDINANCE NO. 20-977

- D. ID 20-978 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 Techline, Inc., for the supply of electric utility fault circuit indicators for Denton Municipal Electric, to be stocked in the Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7314 - awarded to Techline, Inc., in the five (5) year not-to-exceed amount of \$460,000).

ASSIGNED ORDINANCE NO. 20-978

- F. ID 20-1019 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to (I) make application to the Texas Department of Housing and Community Affairs Emergency Solutions Grant Program for grant funding available through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) with appropriate certifications and (II) to take all other actions necessary to obtain funding and implement the program; and providing for an effective date.

ASSIGNED ORDINANCE NO. 20-1019

- G. ID 20-1035 Consider adoption of an ordinance of the City of Denton amending the Code of Ordinances, related to Chapter 2, titled "Administration," Article XI, titled "Ethics," providing for findings of fact; providing severability; providing a repealer clause, providing codification; confirming proper notice and meeting; and providing for an effective date.

ASSIGNED ORDINANCE NO. 20-1035

- H. ID 20-1036 Consider adoption of an ordinance of the City of Denton confirming the proposed amendments to the Board of Ethics' Rules of Procedure as required by the Code of Ordinances, Chapter 2, Article XI, Section 2-277(k); providing for severability; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1036

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- E. ID 20-979 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 Federal Resources Supply Company, for the purchase of bomb suits for the Fire Department:

providing for the expenditure of funds therefor; and providing an effective date (IFB 7352 - awarded to Federal Resources Supply Company, in the not-to-exceed amount of \$106,308).

ASSIGNED ORDINANCE NO. 20-979

Pulled for Individual Consideration by Council Member Armintor.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Hudspeth moved to adopt 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

5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

- A. ID 20-065 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (i) fee tracts, (ii) permanent drainage easements, and (iii) temporary construction easements located along East McKinney Street, East and West of its intersection with Loop 288, and being situated in the M.E.P. and P.R.R. Company Survey, Abstract No. 927, and the Moreau Forrest Survey, Abstract Number 417, all in the County of Denton, Texas, and being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the Power of Eminent Domain to condemn the Property Interests if an agreement cannot be reached; authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-065

The item was presented and discussion followed.

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

Following discussion, Mayor Watts moved that the City of Denton, after having made the offers required by state law, use the power of eminent domain, if needed, to acquire the various fee simple parcels of land, permanent drainage easements, and temporary construction easements, generally located in the M.E.P. and P.R.R. Company Survey, Abstract Number 927 and the Moreau Forrest Survey, Abstract Number 417, City and

County of Denton, Texas, and being more particularly described in Exhibit "A" to the ordinance now under consideration and on the screens overhead, now being displayed for the audience, all of which are for a valid public use, being necessary to construct and expand the roadway and drainage improvements to serve the public and citizens of the City of Denton. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (2): Council Members Briggs and Armintor

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-976 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first change order to a Design-Build Agreement between the City of Denton and Thos. S. Byrne, Inc., amending the agreement approved by City Council on March 3, 2020 in the not-to-exceed amount of \$206,150; said first change order to provide additional preconstruction services funding 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 - providing for an additional first change order expenditure amount not-to-exceed \$66,304, with the total contract amount not-to-exceed \$272,454).

ASSIGNED ORDINANCE NO. 20-976

The item was presented and discussion followed.

There were no online registrations or call-ins on the item.

Following discussion, Mayor Pro Tem Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

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

NAYS (1): Council Member Armintor

- B. ID 20-1044 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute the Guaranteed Maximum Price Amendment to the Design-Build Amendment with Thos. S. Byrne, Inc., a Texas Corporation, for the renovation and construction of the property located at 401 N. Elm St. for the City's new Development Services Center; providing for the expenditure of funds therefor; and, providing an effective date, (RFQ 7228 - awarded to Thos. S. Byrne, Inc. - Guaranteed Maximum Price of Design-Build contract in the not-to-exceed amount of \$5,521,702.00).

ASSIGNED ORDINANCE NO. 20-1044

The item was presented and discussion followed.

There were no online registrations or call-ins on the item.

Following discussion, Mayor Pro Tem Hudspeth moved to adopt 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

NAYS (1): Armintor

- C. ID 20-1010 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute the Third Amendment to the Airport Lease Agreement between the City and Nebrig Properties, L.P. relating to leased premises at the Denton Enterprise Airport; and providing for an effective date.

ASSIGNED ORDINANCE NO. 20-1010

The item was discussed during the Closed Meeting Item 1.B (ID 20-1047) held earlier in the day pursuant to Texas Government Code Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorneys).

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.

During discussion and after consulting with City Attorney Leal, Mayor Watts read Individual Consideration Item 6.D (ID 20-1011) item into the record as both were related, with the vote on each item to be taken individually.

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

- 1 online comment: 1 in Support
- 1 call-in: 0 in Support, 0 in Opposition, and 1 Not Stated

Following discussion, Council Member Meltzer moved to postpone the item to June 9. Motion seconded by Council Member Armintor. Motion carried.

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

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

- D. ID 20-1011 Consider adoption of an ordinance of the City of Denton approving a Consent to Sublease between Nebrig & Associates, Inc. and US Trinity Aviation, LLC, for lease of a fuel facility and equipment at the Denton Enterprise Airport; and providing an effective date.

The item was discussed during the Closed Meeting (Item 1.B (ID 20-1047)) held earlier in the day pursuant to Texas Government Code Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorneys).

During discussion of Individual Consideration Item 6.C (ID 20-1010) and after consulting with City Attorney Leal, Mayor Watts read the item into the record as both were related, with the vote on each item to be taken individually.

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.

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

- 1 online comment: 1 in Support and 0 in Opposition
- 2 call-ins: 0 in Support, 0 in Opposition, and 2 Not Stated

Following discussion, Council Member Meltzer moved to postpone the item to June 9. Motion seconded by Council Member Armintor. Motion carried.

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

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

7. PUBLIC HEARINGS

- A. PD20-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning of Planned Development (PD) District on approximately 131.94 acres and for a change from Residential 6 (R-6) to a PD District on approximately 14.19 acres, for a total of approximately 146.14 acres of land generally located south of Allred Road and west of South Bonnie Brae Street and Fort Worth 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 a severability clause and an effective date. (PD20-0001a, Sagebrook, Hayley Zagurski). STAFF IS REQUESTING THAT THIS ITEM BE POSTPONED TO A DATE CERTAIN OF JUNE 16, 2020.

As noted above, the public hearing was not held and postponed to June 16 at Staff's request.


8. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 9:06 p.m.

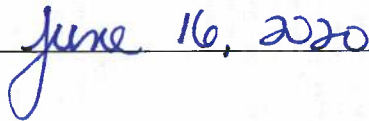


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS
DEPUTY CITY SECRETARY

MINUTES APPROVED ON: _____



June 2, 2020 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Stephen	Dillenberg	1004 Abbotts Lane	Denton	Open Mic	N/A	Telephone	Regarding emergency meeting held earlier in the day by City Council. Believe issues under that closed meeting was for public knowledge. Citizens should know what City Council is deliberating. Recent death has caused citizens to fear police. Wants Council to do its job and should not give unlawful orders or curfews.
George	Ferric	2932 Stockton Street	Denton	Open Mic	N/A	Telephone	Being a small business owner in Denton, also in favor of Work Session Item 3.F (ID 20-671) requesting a work session to discuss allowing business to utilize public parking spaces and right-of-way areas to extend their outdoor seating areas. Concerned about implementation of a curfew in the City. Need to be concerned more about people. Not in favor of Council Member Armintor not participating in the closed meeting earlier in the day.
Eric	Mcraux	2519 Dennison Street	Denton	Open Mic	N/A	Telephone	Currently at the protest right now and participated in the one held last night. People are being very peaceful as well as the police. Hope both continue to be peaceful. Invited City Council to check the protest out.
Charlie	Nolet	119 W. Hickory Street	Denton	Open Mic	N/A	Telephone	Spoke in favor of Work Session Item 3.F (ID 20-671) requesting a work session to discuss allowing business to utilize public parking spaces and right-of-way areas to extend their outdoor seating areas. Provided pros in allowing that opportunity to businesses and pedestrians.
Emily	Warrick	520 Texas Street	Denton	Open Mic	N/A	Telephone	Requested to know why a curfew of certain areas was put in place. Was present at court house square last night in friendly protest and professional policing and if the cost of additional police hours justified.
Anthony Ryan	Gaul Watt (Representing Applicant)	3211 Fall Meadow Street Not Provided	Denton Not Provided	20-885 20-992	Support Support	Online Telephone	Establish a police review board in the City of Denton. Regarding the unit mix and that not being tied to the resolution but will be determined/governed by land use agreement, committed to the provisions of the Memorandum of Understanding to be adopted specific to the unit mix being presented.
Jeffrey	Soules	1501 Knoll Ridge Circle	Corinth	20-1010	Not Stated	Telephone	Has vested interest in a business at Denton Airport. Expressed concern on the proposed taxi way with fuel trucks also driving through that area; health concern and someone could get hurt. Should not be allowed to go any further.
Damon	Ward	5035 Warbird Drive	Denton	20-1010	Support	Online	I fully support the amendment of the Nebrig lease that allows the fuel farm to be utilized for fuel sales to the public by a properly permitted FBO. This will give aircraft owners & operators a much needed fueling and services option while providing a growth opportunity for the Denton Enterprise Airport.
Jeffrey	Soules	1500 Knoll Ridge Circle	Corinth	20-1011	Not Stated	Telephone	The two other fuel farms do not have aircraft access to them. With Nebrig, there is thus the safety concern. Spoke with the Fire Marshal's Office who had as yet not talked to the Airport staff but only about the permitting process.
Mike	Sykes	4850 Spartin Drive	Denton	20-1011	Not Stated	Telephone	Reported the proposed sublease represent a change in the operator of the fuel pump and would change the current use. Spoke as to the transfer of fuel from the tank to the truck and the unsafe process involved. Need to address established safety procedures and bring to EPA code.

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