

CITY OF DENTON CITY COUNCIL MINUTES

June 30, 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 30, 2020, at 1:02 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, Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

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

While there was a caller registered to speak on Consent Item 1.B (ID 20-1216), several attempts to contact the individual were unsuccessful.

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

- Consent Item 2.B (ID-20-1239) - As requested, staff clarified the anticipated attendance and the affect the new order issued by Governor Abbott had on the item. There will be no march associated with the event. (Briggs, Meltzer)
- Consent Item 2.B (ID-20-1239) - Pulled for Individual Consideration. (Davis)

3. Work Session Reports

- A. ID 20-1258 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

Mayor Watts announced Work Session Item 3.A (ID 20-1258) would be held to later in the Work Session and presented at that time. Details can be found on Page 3.

- B. ID 20-888 Receive a report, hold a discussion, and give staff direction regarding the proposed prioritization and implementation of the City's Capital Improvement Projects.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for presentation purposes only. Additional updates would be forthcoming at future meetings.

The Work Session was recessed for a short break at 2:27 p.m. and reconvened at 2:51 p.m.

- C. ID 20-806 Receive a report, hold a discussion, and give direction regarding the FY 2019-20 Budget and preliminary FY 2020-21 Budget and Capital Improvement Plan.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for presentation purposes only. Additional updates would be forthcoming at future meetings.

Work Session Item 3.A (ID 20-1258) was held for presentation to later in the day.

The Work Session was recessed at 3:42 p.m. to allow the City Council to convene into its Closed Meeting.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:42 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. The items were deliberated in the order listed below.
- C. ID 20-1234 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of real property interests located at 909 North Loop 288, in the City of Denton, Denton County, Texas, where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property interests described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations or potential litigation.

DELIBERATED

The item related, in part, to Individual Consideration Items 3.B (ID 20-1235) and 3.C (ID 20-1236) to be considered at the Special Called Meeting being held later in the evening.

- D. ID 20-1256 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys on the status, strategy, funding, and potential resolution of litigation in Cause No. PR-2018-01099, styled "City of Denton v. Robert P. Donnelly" pending in the Probate Court, Denton 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

- A. ID 20-1252 Deliberations regarding Personnel Matters - Under Texas Government Code, Section 551.074. Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a City Auditor.

DELIBERATED

The item related, in part, to Individual Consideration Item 3.D (ID 20-1251) to be considered at the Special Called Meeting being held later in the evening.

- B. ID 20-1254 Deliberations regarding Personnel Matters - Under Texas Government Code, Section 551.074. Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a Municipal Judge.

DELIBERATED

The item related, in part, to Individual Consideration Item 3.E (ID 20-1253) to be considered at the Special Called Meeting being held later in the evening.

The Closed Meeting started at 3:54 p.m. and recessed at 4:46 p.m. No votes or actions were taken during the Closed Meeting

The Work Session was reconvened at 4:58 p.m.

WORK SESSION - CONTINUED

- A. ID 20-1258 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 presented and discussion followed.

Following discussion, City Council consensus was as follows: (1) Extend the suspension of utility shutoffs through July and revisit the issue at the July 21 meeting; (2) accept Staff's recommendation for Parks Department outdoor gatherings and athletic field use/events as presented. Staff was given the discretion to work with ABBI on trying to hold that event, if possible.

The Work Session ended at 6:45 p.m.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, June 30, 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

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.

Note: There was no Item 1 for the Special Called Meeting.

2. CONSENT AGENDA

The Consent Agenda consisted of Items 2.A-F. During the Work Session held earlier in the day, Item 2.B (D 20-1239) was pulled for Individual Consideration by Council Member Meltzer.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of Item 2.A. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

A. ID 20-1216 Consider approval of the minutes of June 9, 2020.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

B. ID 20-1239 Consider adoption of an ordinance of the City of Denton granting Jessica Luther Rummel a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for a movie screening, which will be held on Sunday, July 5, 2020, from 8:00 p.m. to 11:00 p.m., at Fred Moore Park, Texas; granting a variance in the hours of operation on said date from 8:00 p.m. to 11:00 p.m., with sound not to exceed 65 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1239

The item was Pulled for Individual Consideration by Council Member Davis.

The item was not presented but discussion followed.

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.

The summary of public commentary/registrations was as follows. See Exhibit A for details.

- 1 Online: 0 in Support and 1 in Opposition
- Call-Ins: None

Following discussion, Council Member Briggs moved to adopt the item as recommended by Staff.

Council Member Meltzer moved a friendly amendment to put conditions in place as follows:

- The applicant know the event should not go over 100 people, end at 11:00 p.m. and social distancing must be followed;
- Failure to ensure the above-noted requirements after reasonable attempts to meet the conditions would be cause for shutting the event down by the operator.

Friendly amendment accepted by Council Member Briggs.

Motion seconded by Council Member Meltzer.

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

NAYS (0): None

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-1103 Consider adoption of an ordinance of the City of Denton approving and establishing a six month Pilot Parklet and Streatery License Program (the "Pilot Program") for certain areas of the city; establishing the rules and regulations for the Pilot Programs and the provisions for enforcement thereof, including establishing criteria for permitted locations, general physical requirements, fabrication, construction and installation standards; establishing a fee schedule for the Pilot Program; delegating authority for execution of the Parklet/Streatery Revocable License to the City Manager; providing for penalties; providing a severability clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1103

At Mayor Watt's request, Mayor Pro Tem Hudspeth presided over the item.

The item was presented and discussion followed.

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.

The summary of public commentary/registrations are as follows. See Exhibit A for details.

- 6 Online: 6 in Support and 0 in Opposition
- Call-Ins: None

Following discussion, Council Member Meltzer moved to adopt the item with the amendment that the Program not include Elm, Locust, Oak, and Hickory.

Discussion followed.

Motion seconded by Council Member Briggs.

Mayor Watts returned to the meeting and presided over the item.

Following additional discussion, Council Member Meltzer withdrew his motion thereby nullifying Council Member Briggs' second.

Following discussion, Council Member Briggs moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (5): Mayor Watts and Council Members Briggs, Davis, Armintor, and Meltzer
NAYS (2): Mayor Pro Tem Hudspeth and Council Member Ryan

- B. ID 20-1235 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Fourth Amendment to the Contract for Sale, between the City, as Buyer, and Saratan Corporation I, Inc., a Texas Corporation, as Seller, regarding the purchase of 909 N. Loop 288, Denton, Denton County, Texas, pursuant to the terms thereof; Authorizing the additional expenditure of funds up to \$165,000.00 in asbestos remediation expenses related to the property being purchased; and, providing an effective date.

ASSIGNED ORDINANCE NO. 20-1235

The item was presented and discussion followed.

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

Following discussion, Council Member Meltzer moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (0): None

- C. ID 20-1236 Consider adoption of an ordinance of the City of Denton terminating the Contract for Sale, including subsequent amendments, between the City, as Buyer, and Saratan Corporation I, Inc., a Texas corporation, as Seller, regarding the purchase of 909 N. Loop 288, Denton, Denton County, Texas, pursuant to the terms thereof; and providing an effective date.

The item was not considered due to the approval of Individual Consideration Item 2.B (ID20-1235).

- D. ID 20-1251 Consider adoption of an ordinance of the City of Denton appointing John Cashmon as the City Auditor for a two-year term, beginning on the 13th day of July 2020 and extending through the 12th day of July 2022; authorizing the Mayor to execute an employment agreement for term of office; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1251

The item was discussed, in part, under Item 1.A (ID 20-1252) during the Closed Meeting held earlier in the day.

The item was not presented or discussed.

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 Briggs. Motion carried.

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

- E. ID 20-1253 Consider adoption of an ordinance of the City of Denton appointing Tyler Atkinson as Presiding Judge for the City of Denton Municipal Court of Record; establishing two-year terms of office for the Presiding Judge commencing on the 13th day of July 2020 to fill the unexpired remainder of the term vacated by the preceding Presiding Judge, and extending through the 1st day of January 2022; authorizing the Mayor to execute an employment agreement for term of office; and declaring an effective date.

ASSIGNED ORDINANCE NO. 20-1253

The item was discussed, in part, under Item 1.B (ID 20-1254) during the Closed Meeting held earlier in the day.

The item was not presented or discussed.

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

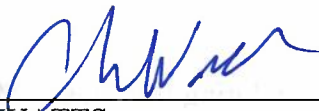
Council Member Briggs moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (0): None


4. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:05 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: July 21, 2020

Speaker Commentaries/Registrations
Online, Email, Phone

| Name | Last | Address | City | Agenda Item | Position | Method | Comments |
|------------------|----------------|------------------|----------------------|--------------------|--------------------|------------------|--|
| Eric | Eric | Pruett | Denton | 20-1103 | Support | Online | Concerning the exclusion of Oak, Hickory, Locust, and Elm in their entirety: was there confusion at the work session? The discussion there included not wanting these within 'the square proper' (segments bordering county courthouse). There are many businesses west of Elm or east of Locust that could benefit. Why prohibit it there? While coordination with TxDOT is hard, why does our ordinance need to prohibit it there? I fully support this as a limited-term pilot: let's try it and learn from it. |
| Amanda | Lindsay | Baker | Denton | 20-1103 | Support | Online | Motorists can handle helping small businesses survive this turmoil. I am very much in favor of this plan! |
| Amanda | Monet | Franklin | Denton | 20-1103 | Opposition | Online | I don't agree with having a movie screening on a Sunday night until 11pm. I work 6 days a week and my only day off is Sunday. My bed time is at 10:00pm and I wake up at 6am everyday. The last time they marched through the neighborhood on Sunday it lasted until 11:30pm and I was exhausted the next day. People can't sleep with megaphones and horns honking right in front of their house. I've also installed more no soliciting signs due to an increase of more door to door activity. Please vote no |
| Kevin Rebecca | Paula Sarah | Post Hendel | Little Elm Denton | 20-1103 20-1103 | Support Support | Online Online | None Provided I am in support of giving businesses more outdoor space if it helps them to stay afloat during this time, and keep people safe. It also cuts back on overcrowding on sidewalks. There is less traffic and need for parking right now downtown, so this is a good use of space (and a way to encourage for walking/exercise!) |
| Laetitia | Shaun | Treat | Denton | 20-1103 | Support | Online | The Partlet / Stratelyr pilot program sounds amazing! All for it... but non-masks should face a fine similar to the \$200 seatbelt violation. Permit alcohol, enable our local businesses to pivot or they will vanish. |
| Jessica | Suzi | Rumoir | Denton | 20-1103 | Support | Online | I fully support this pilot. It's important for Denton to experiment with creative ways to keep our businesses afloat while also mitigating spread of the virus. Outdoor seating is the only way I'd even begin to consider eating at a restaurant right now, since it's not really possible to wear a mask while eating/drinking. I hope all council members will vote to support this pilot so we can work towards finding what will help our businesses (and their staff) get through this tough time. |
| Kasey | Mettaux | 2519 Dennison St | Denton | 20-1239 | Support | Telephone | In favor of the item for the noise exception. The weekend will be for the 4th of July and fireworks will be going off. Provides an event for individuals to attend; social distancing protocols set. |

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