

CITY OF DENTON CITY COUNCIL MINUTES

November 27, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, November 27, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, Council Member Meltzer, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

2. Requests for clarification of agenda items listed on the agenda for November 27, 2018.

Staff responded to the following Council requests for clarification:

Council Member Briggs - Pull Item B for separate consideration
Council Member Meltzer - Item F

3. Work Session Reports

- A. ID 18-2024 Receive a report from the Denton County Transportation Authority and hold a discussion regarding the agency's service provisions, budget, goals and objectives for its member cities.

Mario Canizares, Assistant City Manager, introduced Raymond Suarez, CEO of DCTA, who updated the Council on recent DCTA activities. Suarez noted that 2019 would be a year of change in terms of DCTA leadership; a focus on stakeholder values in terms of mobility, air quality development, and livability; assessing their procedures with innovation in mind; assessing service delivery strategies; and a focus on improved use of transit assets to become more efficient and effective. He noted that he took over as CEO in mid-September and that restructuring of the agency from a staff perspective had been completed. He reviewed his first 60 days on the job and beyond as well as an action plan that was underway. He reviewed locations of rail stops and nearby development as well as the components of the DCTA Action Plan.

Council discussed recent changes to DART/TRE which made ridership cheaper and easier; complaints that people were having trouble with new cards; the right size for the parking lot for the MedPark Station; placement and cost for covered bus stops and benches; whether there was a plan in place for inclement weather; ridership appeared to be declining in an area that was growing; A-train night ridership.

- B. ID 18-1995 Receive a report, hold a discussion, and give staff direction regarding public outreach and communications for City construction projects.

Jessica Rogers, Deputy Director of Public Affairs, presented an overview of a proposed construction communication plan which included construction communication roles and

strategies; improvements to construction communications, next steps and ongoing improvements and upcoming construction projects and communications plans.

Council discussed what staff would be attending the neighborhood/public meetings; with all of the different projects, it was a challenge to communicate everything to citizens; consider a method to let residents know if there would be a delay in repairs; whether posting neighborhood meetings could result in a potential for attendance by a quorum of Council; notices of detour routes.

Todd Estes, Director of Capital Projects, presented an overview of upcoming projects which included U.S. 377, Dallas Drive/Teasley Lane Intersection, PEC-4, Magnolia, Hickory Creek Road West, and North-South Water Main.

- C. ID 18-2007 Receive a report, hold a discussion, and provide staff direction regarding City Council priorities for upcoming work session report topics.

Bryan Langley, Deputy City Manager, reviewed key priorities from the Council retreat, Council feedback and staff recommendations. He provided the planned work session topics matrix. He stated that staff had also been using a work session priority survey which included items from the previous Strategy Session that had not yet been scheduled for a work session along with all the Informal Staff Reports that were distributed.

City Manager Hileman stated that staff was trying to manage how the agenda items were placed on an agenda.

Council discussion included survey results; that citizens could see how Council Members were considering items to be placed on agendas; a good way to evaluate priorities; some did not participate in survey - felt all topics were important; ranking of topics.

Following the completion of the Work Session, the City Council convened in a Special Called Meeting to consider the following items:

1. CONSENT AGENDA

Mayor Pro Tem Ryan motioned, Council Member Briggs seconded to adopt the Consent Agenda and accompanying ordinances and resolutions except for Item J. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (7-0).

Ordinance 18-1881

- A. ID 18-1881 Consider adoption of an ordinance of the City of Denton, Texas, a home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 524-17 for the acquisition of rifle resistant plate carriers and rifle resistant plates for the Police Department from funds provided by the Office of the Governor through the Rifle-Resistant Body Armor Grant Program and acquisition of single magazine pouches, medical pouches and carry bags from funds in the Police Seizure Account; providing for the expenditure of funds therefor;

and providing an effective date (File 6932 - awarded to GT Distributors, Inc. in the one (1) year not-to-exceed amount of \$82,539).

Ordinance 18-1893

B. ID 18-1893 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payment by the City of Denton to the Texas Commission of Environmental Quality for waste disposal fees; and providing an effective date (waste disposal fee in the total amount of \$280,000 - The Public Utilities Board recommends approval 5-0).

Resolution 18-1899

C. ID 18-1899 Consider approval of a resolution of the City of Denton, authorizing the City Manager, or his designee, to execute an application for the Urban Area Security Initiative Grant on behalf of City of Denton Fire Emergency Medical Services Rescue Task Force; authorizing the City Manager, or his designee, to accept said grant funds in the amount of \$100,000.00 from the State Homeland Security Program through the State of Texas Office of the Governor for the period of November 2018 to August 2019; and providing an effective date.

Ordinance 18-1903

D. ID 18-1903 Consider adoption of an ordinance of the City of Denton prohibiting eastbound right turn movement at the signalized intersection of FM 2499 and Robinson Road where the eastbound traffic is facing a red signal light; providing a repealer clause; providing a savings clause; providing for penalty not to exceed \$500 for violations of this ordinance; providing that violations of this Ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. Traffic Safety Commission recommends approval 4-0.

Resolution 18-1913

E. ID 18-1913 Consider approval of a resolution of the City of Denton, specifying its intent to designate a location at the Denton Enterprise Airport for the siting of a future fire station; updating the Airport Layout Plan; and providing an effective date. The Council Airport Committee recommends 2-0 and the Airport Advisory Board recommends 6-0.

Ordinance 18-1914

F. ID 18-1914 Consider adoption of an ordinance of the City of Denton, authorizing the City Manager, or his designee, to execute an amended Memorandum of Understanding with the United States Department of Justice for participation in the Federal Equitable Sharing Program for Fiscal year 2019; and providing an effective date.

Ordinance 18-1991

G. ID 18-1991 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for

Traffic Signal Maintenance Services for the City of Denton with Bean Electrical, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6897-awarded to Bean Electrical, Inc. in the three (3) year not-to-exceed amount of \$900,000).

Ordinance 18-1993

- H. ID 18-1993 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$15,600 of in-kind services and resources for the Denton Holiday Lighting Festival on Friday, November 30, 2018, from 4:00 p.m. to 10:00 p.m., to be held on the square in downtown Denton; and providing an effective date.

Ordinance 18-2030

- I. ID 18-2030 Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton, Texas v. Robert W. Jones, Trustee of the Jones Family Trust, Cause No. PR-2015-00509, currently pending in the Probate Court of Denton County, Texas, regarding the acquisition of fee and easement interests required for the widening of Bonnie Brae Street in the Total Settlement Amount of Three Hundred Forty-Five Thousand Five Hundred Forty-Six Dollars and No Cents (\$345,546.00); authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date. (Bonnie Brae Street project - Phase 3 - Parcel 17)

Item J was considered.

City Attorney Aaron Leal recused himself.

- J. ID 18-2038 Consider adoption of an ordinance approving a salary increase of three percent (3%) for City Attorney Aaron Leal under the performance review provision of his employment agreement with the City; extending the term of the City Attorney's employment agreement to October 11, 2020; authorizing the expenditure of funds; and providing an effective date.

Council Member Hudspeth motioned, Mayor Pro Tem Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "nay", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "nay", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (5-2).

City Attorney Leal returned to the meeting.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance A18-0002d

- A. A18-0002d Conduct the second of two readings and consider adoption of an ordinance of the City of Denton, Texas, Voluntarily Annexing Approximately 86.47 acres of land, generally located between Creekdale Drive and Hickory Creek Road,

East of the railroad crossing at Hickory Creek Road, more specifically described in Exhibit "A" and illustrated in Exhibit "B"; providing for a correction to the city map to include the annexed lands; providing for saving and severability; and establishing an effective date. (A18-0002)

Richard Cannone, Development Services, provided the background information on the voluntary annexation and read the ordinance caption into the record.

Mayor Pro Tem Ryan motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (7-0).

- B. COA17-0010 Consider an appeal of the Historic Landmark Commission denial of an amendment to an existing Certificate of Appropriateness for the expansion of a mural to the front façade of a local designated landmark building located at 122 North Locust (COA17-0010, 122 N. Locust) The Historic Landmark Commission recommends denial (7-0).

Richard Canonne, Director of Planning, provided background on the property which was designated a historic landmark in 2008. He reviewed the provisions of a Certificate of Appropriateness and the factors involved in the denial of a Certificate.

Council discussed the pros and cons of the project and the suitability of painting the portion of the building facing the Square. Council also discussed that the applicant was not able to attend this meeting for comments/questions.

Council Member Hudspeth motioned, Mayor Pro Tem Ryan seconded to table the item to the next Council meeting, On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Resolution 18-1950

- C. ID 18-1950 Consider approval of a resolution of the City of Denton, adopting the City of Denton's 2019 State Legislative Program for the 86th Texas Legislature; and providing an effective date.

Jessica Rogers, Deputy Director of Public Affairs, stated that the City's Legislative Program served as the policy document of the City Council.

Mayor Pro Tem Ryan suggested a change to the section on Community Development and Human Services by changing the 3rd bullet to include MHMR.

Council Member Hudspeth suggested providing a cover letter with the program detailing the City's position.

Item D was not considered.

- D. ID 18-2054 Consider approval of a resolution of the City Council of the City of Denton, Texas, to remove the City of Denton's primary representative to the Denton County Transportation Authority Board of Directors; and providing an effective date.

3. CONCLUDING ITEMS

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda..

Council Member Briggs requested a review of the City Fire Code to include fire pits.

Council Member Briggs suggested the creation under the reinvestment grant targeting corridors.

Mayor Pro Tem Ryan requested an Informal Staff Report on horses on city streets and in particular carriage requirements.

Mayor Pro Tem Ryan thanked five fellow Council Members for not placing inappropriate fliers on his property.

Council Member Armintor requested a staff report on possible photo ids for homeless people.

Council Member Armintor requested a staff report on a welcoming city initiative.

Council Member Meltzer requested an Informal Staff Report on failing streets.

Council Member Hudspeth requested the Parks Department look into developing a program for parent's night out once a month.

Council Member Hudspeth requested an Informal Staff Report for an update on how COG was involved with DCTA.

Following the completion of the Special Called Meeting, the City Council convened in a Closed Meeting at 4:27 p.m. to consider the specific items listed below.

1. Closed Meeting:

- A. ID 18-2025 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074

Consult with the City's attorneys for legal advice regarding a settlement offer and contemplated litigation involving Cleopatra Birckbichler, as well as with regard to legal matters closely related to that contemplated litigation, where the city's attorneys' duties to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with Chapter 551 of the Texas Open Meetings Act. This closed session also concerns deliberations involving a public officer or employee, under circumstances allowing closed session under section 551.074 of the Texas Open Meetings Act.

- B. ID 18-2036 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the Lease Agreement between the City and American Biosource, LLC, dated January 7, 2014 and approved and authorized by Ordinance No. 2014-020 ("Lease Agreement"). Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the Lease Agreement 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 any administrative proceeding or potential litigation.

This item was not considered.

- C. ID 18-2055 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Deliberate and discuss the evaluation, duties, appointment and removal of the City of Denton's primary representative to the Denton County Transportation Authority Board of Directors. Consultation with the City's attorneys regarding legal issues associated with the evaluation, duties, appointment and removal of the City of Denton's primary representative to the Denton County Transportation Authority Board of Directors where discussion of these legal matters in an open meeting 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.

With no further business, the meeting was adjourned at 6:55 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS