

CITY OF DENTON CITY COUNCIL MINUTES

February 26, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 26, 2019 at 12:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Council Member Gerard Hudspeth, Council Member Keely Briggs, Council Member Don Duff, Mayor Pro Tem John Ryan, Council Member Deb Armintor, Council Member Paul Meltzer, and Mayor Chris Watts.

ABSENT: None.

WORK SESSION

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 February 26, 2019.

Council Member Meltzer asked that Consent Items B, K, and M be pulled for Individual Consideration and requested presentations for each.

Mayor Watts stated that Item A under Items for Individual Consideration was going to be postponed to March 5.

City Manager Hileman stated that the Bettye Myers proclamation would be moved to March 5.

3. Work Session Reports

A. DCA18-0009c Receive a report, hold a discussion, and provide staff direction on the Denton Development Code Update and Draft Zoning Map.

Scott McDonald, Director of Development Services, stated changes had been made to the zoning map.

Ron Menguita, Development Services, stated that the Denton Development Code with the Denton Plan 2030 guided the development of the city. Land Use Goals were to grow compactly, with purpose, grow our assets, grow resourcefully, grow with character and grow with balance. Community Character and Urban Design Goals included maintaining character, long-term sustainment, community interaction and creating character. Mobility Goals were safe efficient movement; enhance Denton's economy; create a transportation network; and transit that was convenient and safe. Housing and Neighborhoods Goals included diverse array of choices, established neighborhoods, and maintain and improve the livability.

Richard Cannone, Development Services, reviewed Subchapter 1 - General Provisions. Significant Changes included the new Code would not create existing single-family detached dwellings, duplexes or townhomes to be non-conforming; pending applications/approved projects; and

transition to new zoning districts. He also reviewed Subchapter 2 - Administration and Procedures. Significant Changes included summary table of review procedures; common review procedures - pre-application conferences and citizen participation; certification of zoning compliance; approval criteria for all application types; Planned Development (PD) - no minimum development/project size and replaced current MPC; flexibility and relief procedures - minor modifications - replaced Alternative Development Plans (ADPs); did not carry forward Special Exceptions; and did not carry forward Subdivision Variance.

- B. ID 19-324 Receive a report, hold a discussion, and provide staff a recommendation on the design and construction of the new North Lakes Park Tennis Center.

Gary Packan, Director of Parks and Recreation, presented the item. He stated that the goal of the project was to replace the existing tennis center; provide programs for various ages and abilities; attract sports tourism; stimulate economic development and provide enhancement of City identity and community pride. He stated that at a public meeting held last year there was a strong interest in pickle ball and 10U courts; indoor or covered courts; provide for future expansion; Wi-Fi capabilities; after hours usability; championship court; practice wall; windscreens; interest in sponsorship opportunities; concern about development in North Lakes Park; more trees in the park; and programming and tournaments. Packan presented construction phasing, project procurement options; and project timeline.

Consensus of Council was to proceed with the Base and Amenities Bid which included 10 courts, lights, pro shop, parking lot, trees, landscape, and soft costs.

- C. ID 19-404 Receive a report, hold a discussion, and provide staff a recommendation the development of land located at the corner of Carnegie Ridge Road and Ridglea Court currently known as "Patrick Park."

Gary Packan, Director of Parks and Recreation, presented the item. Packan stated that this was a proposed park off Crawford Road. The development costs for the developer for the park were about \$412,045. The City's proposed development costs were about \$210,000 for a playground, pavilion, irrigation and the placement of four trees. The developer plans to submit a request for the park space to be named "Patrick Park" This request would follow the standard naming process outlined in the City's Naming Policy Guidelines.

Consensus of Council was to move forward with the plans for the park.

- D. ID 19-082 Receive a report, hold a discussion, and give staff direction on McKenna Park improvements in relation to the Bonnie Brae street project.

Gary Packan, Director of Parks and Recreation, presented the item. Packan stated that with the realignment of Bonnie Brae Street, the parking lot (old Bonnie Brae St right-of-way) would be impacted. Access from Bonnie Brae Street on the north side of the parking lot would be eliminated due to the installation of a concrete median as well as for safety concerns. In addition, with the new roundabout, access from Scripture St would also be eliminated due to its adjacency to the intersection and roundabout median.

The Parks Department created (4) park concepts that considered the placement of the parking lot and its location to the playground. Options for City Council consideration were: Option 1, kept the playground in its current location and relocated the parking lot off Thomas Street. This was anticipated to be the most affordable option. Option 2, utilized an existing driveway to the water tower as the road into the parking lot. The parking lot was perched at the highest point in the park and the playground was located immediately adjacent. This location of the parking lot did provide a scenic view of the park with it being the highest point in the park. Option 3, relocated the playground to the eastern side of the park and would require on-street parking for park users. Thomas Street would provide enough width to serve parallel parking on both sides of the street. Option 4, relocated the playground to the northeast corner of the park but included a parking lot off Thomas Street. The design of this lot worked around trees, but placed it adjacent to homes located on Panhandle Street.

Consensus of the Council was to hold a neighborhood meeting and bring the item back to Council.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

A. ID 19-326 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys on the status, strategy, and potential resolutions of litigation styled, Adolfo Fabela Rios v. City of Denton, Cause No. 17-6532-16, currently pending in the 16th District Court of 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.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

Mayor Watts was not present for the regular meeting.

1. **PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags led by the Girl Scouts of Northeast Texas Service Unit 416.

2. **PROCLAMATIONS/PRESENTATIONS**

A. ID 19-384 Beulah Harriss Day

Council Member Briggs presented the proclamation for Beulah Harriss Day.

B. ID 19-461 Dr. Bettye Myers Day of Service

This item was postponed to the March 5 meeting.

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.
 - 1. ID 19-358 Rena Hardeman regarding the proposed Cole/Hunter Ranch MMD.

Ms. Hardeman spoke regarding the proposed Cole/Hunter Ranch MMD.

- 2. ID 19-416 Mark Brady regarding unfair billing practices by City of Denton Utilities.

Mr. Brady was not present.

C. Additional Citizen Reports

Shane Warren, 1718 Eagle Drive, spoke regarding an additional polling location near UNT.

Jennifer Lane, 1526 Willowwood, spoke regarding a polling location near the UNT campus.

4. CONSENT AGENDA

Council Member Briggs motioned, Council Member Armintor seconded to adopt the Consent Agenda and accompanying ordinances and resolutions except for Items B, K, and M. 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", and Council Member Meltzer "aye". Motion carried (6-0).

Ordinance No. 19-223

- A. ID 19-223 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$3,703 of in-kind services for the Texas Storytelling Festival to be held on Thursday, March 7, through Sunday, March 10, 2019, at the Denton Senior Center, Emily Fowler Central Library, and the Denton Women's Club Building; and providing an effective date.

Ordinance No. 19-346

- C. ID 19-346 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to approve Supplemental Agreement No. 3 to Easement No. DACW63-2-81-0724 by and between the City of Denton (City) and the Department of Army, Corps of Engineers (USACE) as Grantor, renewing the existing sewer easement on USACE property to allow for continued maintenance and operation of the City's Hickory Creek Basin lift station and combining Easement No. DACW63-2-81-0724 with Easement No. DACW63-2-85-0509 for the associated pipeline; authorizing the expenditure of funds therefor; and providing for severability and an effective date. (Lewisville Lake offsite sanitary sewer easement; a lift station, appurtenant facilities, and 15" pipeline - Hickory Creek at Old Alton Road.)

Ordinance No. 19-369

- D. ID 19-369 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 U.S. Communities Cooperative Purchasing Program Contract Number R-TC-17006 for procurement fulfillment of business products for the City of Denton through an online marketplace, providing for the expenditure of funds therefor; and providing an effective date (File 6985 - awarded to Amazon Services, LLC, in the three (3) year not-to-exceed amount of \$600,000).

Ordinance No. 19-370

- E. ID 19-370 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 Buy Board Cooperative Purchasing Network Contract Number 534-17 for highway safety and traffic control products to be used by various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (File 6960 - awarded to Buyers Barricades, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in a total three (3) year not-to-exceed amount of \$300,000).

Ordinance No. 19-371

- F. ID 19-371 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 Buy Board Cooperative Purchasing Network Contract Number 515-16 for the acquisition of one (1) Wheel Loader for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (File 6969 - awarded to Kirby-Smith Machinery, Inc., in the not to exceed amount of \$287,845).

Ordinance No. 19-372

- G. ID 19-372 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 Buy Board Cooperative Purchasing Network Contract Number 515-16 for the acquisition of one (1) Motor Grader for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (File 6970 - awarded to RDO Equipment Company, in the not-to-exceed amount of \$313,673.54).

Ordinance No. 19-373

- H. ID 19-373 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 Buy Board Cooperative Purchasing Network Contract Number 521-16 for the acquisition of fifteen (15) heavy duty trucks for the Solid Waste, Water Distribution, Wastewater Collection and Streets Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7009 - awarded to Rush Truck Center, in the not-to-exceed amount of \$3,489,640).

Approved the minutes listed below.

- I. ID 19-375 Consider approval of the minutes of January 7 and January 8, 2019.

Ordinance No. 19-376

- J. ID 19-376 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying, and approving a public works contract through The Inter-local Purchasing System (TIPS) Cooperative Program Contract Number 180702 for the replacement of roof windows at South Branch Library located at 3228 Teasley Lane; providing for the expenditure of funds therefor; and providing an effective date (File 6961 - awarded to CBS Mechanical, Inc. dba CBS Roofing Services in the not-to-exceed amount of \$85,206.68).

Resolution No. 19-386

- L. ID 19-386 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2017/2018 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) annual report; and declaring an effective date (TIRZ Number Two Board recommends approval 9-0).

Ordinance No. 19-413

- N. ID 19-413 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 the purchase of one (1) 40' automatic tarping machine with Tarpomatic, Inc., which is the sole provider of this item 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 6968 - awarded to Tarpomatic, Inc., in the not-to-exceed amount of \$65,787).

Council considered Item B pulled for separate consideration.

Resolution No. 19-311

- B. ID 19-311 Consider approval of a resolution of the City of Denton supporting both House Bill 749 and Senate Bill 338 which were recently introduced in the 86th Texas Legislature, that would raise the minimum age to 21 for the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products; and providing an effective date.

Sarah Kuechler, Director of Public Affairs, presented the item. She stated that Council had asked staff to draft a resolution of support for proposed state legislation which would raise the minimum age for distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products to the age of 21 in the state of Texas.

Council Member Meltzer motioned, Council Member Armintor seconded to approve the resolution. 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", and Council Member Meltzer "aye". Motion carried (6-0).

Council considered Item K pulled for separate consideration.

Resolution No. 19-379

- K. ID 19-379 Consider approval of a resolution of the City of Denton, Texas authorizing the Mayor to commit to a campaign goal to improve accessibility for the residents of Denton to local parks within a 10-minute walk; and providing an effective date.

Gary Packan, Director of Parks and Recreation, provided background on the 10-Minute Walk to a Park Campaign to ensure there was a park within a 10-minute walk of every person, in every neighborhood, in every city across America. He stated that according to the Trust for Public Land Park Serve database, only 40% of Denton residents had a park or trail with a 10-minute walk of where they lived. This meant that approximately 74,439 residents did not.

Packan stated that there were 33 developed parks in Denton. He stated that Denton could work toward 54% accessibility of park land for Denton residents. The Parks Department would use the 10-minute walk as a measuring tool or development standard when identifying where public park spaces should be placed as they began the redevelopment of the Parks Master Plan.

Council Member Briggs motioned, Council Member Meltzer seconded to approve the resolution. 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", and Council Member Meltzer "aye". Motion carried (6-0).

Council considered Item M pulled for separate consideration.

Ordinance No. 19-391

- M. ID 19-391 Consider adoption of an ordinance of the City of Denton amending Chapter 18 of the Code of Ordinances by including speed zones on Barrel Strap (FM 2499), Fort Worth Drive (US 377), and Cowling Road in Section 18-73; altering the Prima Facie speed limits established for vehicles under the provision of Transportation Code, Section 545.356 upon the following roadways or parts thereof, within the incorporated limits of the City of Denton; providing a penalty not to exceed \$200.00 unless the violation occurs in a work zone and then the penalty shall not exceed \$400.00; providing a severability clause; providing a repealing clause; providing a savings clause; providing codification; providing for publication; and declaring an effective date. Recommendation by Traffic Safety Commission 6-0, approved.

Pritam Deshmukh, Traffic Engineer, presented the item. He stated that TxDOT had requested the speed be lowered along US 377 between FM 1830 and I-35E to 45 mph during construction. He stated that TxDOT had recommended implementing a speed limit of 45 mph along FM 2499 from I-35E to FM 2181. He stated that the speed limit along Cowling Road north of Rector Road would be updated to 40 mph.

Council Member Hudspeth motioned, Council Member Briggs 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", and Council Member Meltzer "aye". Motion carried (6-0).

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-422 Consider approval of a resolution authorizing Election Day polling locations for the City of Denton City Council Election to be held on May 4, 2019; and providing an effective date.

This item was postponed to March 5.

Ordinance No. 19-162

- B. ID 19-162 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of an eighth amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc.; amending the contract approved by City Council on June 16, 2009, in the not-to-exceed amount of \$301,545, amended by Amendments 1-7 approved by the City Manager, City Council, and Purchasing staff, said eighth amendment to provide engineering and design services relating to the PEC 4 Drainage Improvements Phase 1 and 2 project in the amount of \$182,315; providing for the expenditure of funds therefor; and providing an effective date (File 4437 - providing for an additional eight amendment expenditure amount not-to-exceed \$182,315, with the total contract amount not-to-exceed \$667,625). The Public Utilities Board recommends approval (6-0).

Todd Estes, Capital Projects, presented the item. He stated that the PEC 4 Phase 1 and 2 drainage improvements project required additional design, bid and construction phase services including additional hydraulic analysis for alternate construction methods, repackaging of bid documents to include preparation of additional construction plans for two alternate construction methods of the box culvert and the addition of an additive alternate bid for Phase 2. Also included in this amendment were additional construction phase services to include: project site visits; submittal and shop drawing reviews, request for information (RFI) reviews and responses, and change order reviews and recommendations.

Council Member Briggs 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", and Council Member Meltzer "aye". Motion carried (6-0).

Ordinance No. 19-349

- C. ID 19-349 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital expenditures of the General Government with Tax-Preferred Obligations (Certificates of Obligation) with an aggregate maximum principal amount not to exceed \$4,600,000; and providing an effective date.

David Gaines, Assistant Director of Finance, stated that as a result of ongoing efforts to improve fleet replacements and eliminate underutilized equipment, staff was able to reduce the amount of 5 year debt to be issued by \$1,000,000. As a result, staff was proposing to issue \$3,000,000 in 20 year debt with no impact to the City's debt tax rate. The \$3,000,000 would fund police facilities and street improvements. General Government was proposing to utilize \$4,600,000 of Certificates of Obligation to fund design and land purchase for police facilities; study, design and construction

of street improvements; and acquisition and installation of technology equipment including computer equipment and software.

Council Member Hudspeth motioned, Council Member Meltzer 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", and Council Member Meltzer "aye". Motion carried (6-0).

Ordinance No. 19-368

D. ID 19-368 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with O'Brien Engineering, Inc., for Engineering Services for Lake Forest Park Pond and Dam as set forth in the contract, providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-048 - Professional Services Agreement for Engineering Services awarded to O'Brien Engineering, Inc., in the not-to-exceed amount of \$347,000).

Drew Huffman, Superintendent for Parks and Recreation, stated that this was the Lake Forest retention pond and dam. The Lake Forest pond and dam was found to be in poor condition by TCEQ. The inspection advised keeping the spillway free of debris, remove all burrowing animals, and repair damaged embankment. Parks Maintenance had cleared brush downstream of the spillway, cleared aquatic vegetation in and around the lake, conducted surveillance of the spillway to prevent blockages and met with Texas Parks and Wildlife for an aquatic wildlife analysis.

Engineering Services would cover construction documents, cost estimates of construction, financial considerations, project scheduling, 404 permitting (permit through EPA for discharge of dredged material), water rights through TCEQ, dam breach mapping and an Emergency Action Plan (EAP), dam rehabilitation design, dredging plan, operations and maintenance plan, and construction administration through the construction phase.

Paul Jenkins, 3901 Montecito, spoke in support of the lake.

Etta Smith, 3901 Montecito, spoke in support of the lake.

Paula Blind, 3900 Montecito, spoke in support of the lake.

Lavona Duryea, 3900 Montecito, spoke in support of the lake.

Council Member Hudspeth motioned, Council Member Meltzer 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", and Council Member Meltzer "aye". Motion carried (6-0).

6. 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 staff report regarding cold weather policies for municipal employees.

Council Member Briggs requested a staff report regulations related to carriage rides.

Council Member Briggs asked if it was possible to receive information on pipelines that needed to be replaced ahead of new construction.

Council Member Armintor stated that today was the celebration for the 100th Habitat for Humanity house.

Council Member Hudspeth asked if staff could take a look at internships -- paid and unpaid internships and also look at the jobs the City posts and see if a 4-year degree is mandatory for the job posting.

Council Member Hudspeth stated that Atmos had to run new lines in his neighborhood and that they had left his property better than when they arrived.

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



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS