

CITY OF DENTON CITY COUNCIL MINUTES

August 27, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 27, 2019, at 12:03 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

**WORK SESSION**

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

None.

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

- Consent Item 1.C (ID 19-1976) - Pulled for Individual Consideration. (Briggs)
- Consent Item 1.D (ID 19-2026) - Pulled for Individual Consideration. (Briggs, Meltzer)

ANNOUNCEMENT: This being his last City Council Meeting, Video Producer Brian Plinck was recognized for his service to the City during his tenure and upcoming departure.

The meeting was recessed at 12:07 p.m. due to technical difficulties with the microphones and was reconvened at 12:18 p.m.

**3. Work Session Reports**

- A. ID 19-2025 Receive a report, hold a discussion, and give staff direction on the process for responding to City Council requests for information and potential changes to City Council meeting procedures as discussed during the August 17, 2019 City Council retreat.

Council Member Davis arrived at 12:05 p.m.

The item was presented and discussion followed.

Following discussion, staff was directed to schedule a work session to review council member requests beginning with the September 10<sup>th</sup> meeting and review of Council Rules of Procedure as related to specific City Council meeting processes on September 17<sup>th</sup>.

Formal action anticipated during the Special Called Meeting scheduled later in the afternoon regarding requests submitted by council members, Agenda Item 1.D (ID 19-2026).

The meeting was recessed for a short break at 1:28 p.m. and reconvened at 1:35 p.m.

- B. ID 19-1959 Receive a report and hold a discussion from representatives of Atmos Energy Corporation regarding the company's infrastructure, construction, safety, and communication activities within the City of Denton.

The presentation was made and discussion followed.

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

The meeting was recessed for a short break at 2:22 p.m. and was reconvened at 2:35 p.m.

- C. ID 19-1999 Receive a report, hold a discussion, and give staff direction regarding changes to Subchapter 6: Gas Wells of the Denton Development Code related to reverse setbacks and associated definitions and appeal procedures.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with identified revisions and present for formal amendment and adoption of Subchapter 6 of the Denton Development Code at a future meeting.

The work session was recessed for a short break at 4:08 p.m. and was reconvened at 4:24 p.m.

- D. ID 19-2029 Receive a report, hold a discussion, and give staff direction on the FY2019-2020 City Council priorities as discussed during the August 17, 2019 City Council retreat.

The presentation was made and discussion followed.

Following discussion, staff was directed to prepare and update City Council priorities for presentation at a future meeting.

- E. ID 19-1977 Receive a report, hold a discussion and give staff direction regarding polling locations for the November 5, 2019 Bond Election.

Council Members Davis and Meltzer had a conflict of interest and left the Work Session Room.

The item was presented and discussion followed.

No changes were requested on the locations discussed. Staff was directed that for future elections, locations be presented well in advance of the deadline to order the election in order to allow consideration for additions, if any.

### CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:12 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
  - A. ID 19-2004 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with changes to Subchapter 6: Gas Wells of the Denton Development Code related to reverse setbacks and associated definitions and appeal procedures; where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.  
**NOT DELIBERATED**
  - B. ID 19-2062 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087; Consultation with Attorneys - Texas Government Code, Section 551.071. Receive a report and hold a discussion regarding the offer of a financial or other incentive to Rayzor Ranch. This discussion shall include commercial and financial information related to Rayzor Ranch, a business prospect which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations. Consultation with the City's attorneys about legal matters related to economic development incentives to potentially be offered to Rayzor Ranch. A public discussion of these legal issues would conflict with the duty of the City's attorneys to the City of Denton and its City Council under the Texas Disciplinary Rules of Professional Conduct.  
**DELIBERATED**

Related to Individual Consideration Item 3.B (ID 19-1907) under which formal action would be considered during the Special Meeting to follow.

The Closed Meeting started at 5:18 p.m. and ended at 6:25 p.m. Agenda Item 1.A (ID 19-2004) was not deliberated. Agenda Item 1.B (ID 19-2062) was deliberated. No votes or actions were taken during the Closed Meeting.

### 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, August 27, 2019, at 6:30 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

**1. CONSENT AGENDA**

The consent agenda consisted of Items 1.A-F. During the Work Session held earlier in the day, Item 1.C (ID 19-1976) was pulled for individual consideration by Council Member Briggs and Item 1.D (ID 19-2026) was pulled for individual consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda now consisting of items 1.A-B and 1.E-F. 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 (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

A. ID 19-1693 Consider approval of a resolution of the City of Denton, evidencing no objection for the proposed new construction of Denton Grove Apartments in Denton to provide affordable and market rate rental housing; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 19-1693**

B. ID 19-1947 Consider approval of the minutes of August 13, 2019.

E. ID 19-1955 Consider approval of a resolution of the City of Denton allowing the Campus Theatre Concessions, LLC to sell alcoholic beverages at the XCW Wrestling Show, on Friday, September 13, 2019, from 7:00 p.m. to 10:00 p.m., at the Denton Civic Center, upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 19-1955**

F. ID 19-2040 Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Friday, September 20, 2019, from 11:00 a.m. to 11:00 p.m., Saturday, September 21, 2019, from 11:00 a.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park, upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 19-2040**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- C. ID 19-1976 Consider approval of a resolution of the City of Denton adopting the 2019-2020 City Council priorities of the City of Denton for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020; and providing an effective date.  
*Pulled for individual consideration by Council Member Briggs.*

The presentation was made and discussion followed.

Council Member Ryan moved to postpone the item to an event certain to allow discussion at a future work session. 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 (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- D. ID 19-2026 Consider adoption of an ordinance of the City of Denton adding section 2-30 to the Code of the City of Denton and adopting procedures for members of the City Council to submit information requests to staff and establish consensus regarding the use of staff time when responding to requests estimated to take greater than two hours to complete; providing a severability clause; providing a savings clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2026**

*Pulled for individual consideration by Council Member Meltzer*

The issue was initially discussed during the work session held earlier in the day, Item 3.A (ID 19-2025).

The presentation was made and changes requested during the work session were further discussed.

Council Member Meltzer moved to postpone consideration of the item to November 19<sup>th</sup>. Motion seconded by Council Member Briggs. Motion failed.

AYES (3): Council Members Briggs, Armintor, and Meltzer

NAYS (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis and Ryan

Mayor Pro Tem Hudspeth moved to approve the item with the following identified changes:

- Article II. – Administrative Organization, Section 2.30, Subsection (a) (1)  
b. “City Staff” – Includes employees of the City of Denton consisting of, or reporting to, the City Manager or, City Attorney, ~~Municipal Court Judge, and the Internal Auditor.~~

- Article II. – Administrative Organization, Section 2.30, Subsection (c)
  - (3) City Staff will respond to all requests where a consensus of at least four elected officials is established. Each elected official will also have the option to request City Staff respond to a maximum of two requests per quarter where a consensus is not met, provided each request in this category is not estimated to take more than a total of ten City Staff hours to complete. To the extent possible, responses will be made in the requested format including Informal Staff Reports, Legal Status Reports, City Council work session topics, or ordinances and resolutions to be considered on future City Council agendas.

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

**2. ITEM(S) FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

- A. ID 19-1877 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (i) permanent sanitary sewer easements, and (ii) temporary construction easements generally located along South Bonnie Brae Street near the intersection of Vintage Boulevard and US 377 (Fort Worth Drive) and near the intersection of Corbin Road and Interstate Highway 35 West and being situated in the William Roark Survey, Abstract No. 1087, the S.A. Pritchett Survey, Abstract 1004, and the William Sajvis Survey, Abstract No. 1174, 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. 19-1877**

The presentation was made and discussion followed.

Mayor Pro Tem Hudspeth moved to approve that the City of Denton, after having made the offers required by state law, use the power of eminent domain, if needed, to acquire various permanent sanitary sewer easements and temporary construction easements generally located along South Bonnie Brae Street, near the intersection of Vintage Boulevard and U.S. 377 also known as (Fort Worth Drive) and near the intersection of Corbin Road and Interstate Highway 35 West and being situated in the William Roark Survey, Abstract No. 1087, the S. A. Pritchett Survey, Abstract 1004, and the William Sajvis Survey, Abstract 1174, Denton County, Texas, and being 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, necessary to provide for the construction, operation, and

maintenance of the municipal sanitary sewer system improvements necessary for the Hickory Creek Sanitary Sewer Interceptor Phase I and II Projects, projects to serve the public and citizens of the City of Denton, Texas.

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): Council Member Armintor

**3. ITEM(S) FOR INDIVIDUAL CONSIDERATION**

- A. ID 19-1767 Consider nominations/appointments to the City’s Boards, Commissions, and Committees: Public Art Committee and Zoning Board of Adjustment.

Council Member Ryan moved to appoint the following as noted:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	2	Briggs	Robert	Ismert	September 1, 2019 through August 31, 2021	Reappointment

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

- B. ID 19-1907 Consider approval of a resolution of the City of Denton determining the costs of certain authorized improvements to be reimbursed by the Rayzor Ranch Public Improvement District No. 1; approving a Preliminary Service and Assessment Plan, including proposed assessment rolls; calling and providing notice of a public hearing on September 17, 2019, to consider an ordinance levying assessments on property located within the Rayzor Ranch Public Improvement District No. 1; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

The presentation was made and discussion followed.

Council Member Meltzer moved to postpone consideration of the item to February 25, 2020. Motion seconded by Council Member Briggs.

Council Member Ryan offered a friendly amendment allowing for the item to return sooner or later as determined by the City Manager. Council Member Meltzer and Council Member Briggs accepted the friendly amendment.

Following discussion, Mayor Watts moved to table Council Member Meltzer's amended motion to postpone the item to February 25, 2020 allowing for the item to return sooner or later as determined by the City Manager.

Council Member Briggs withdrew her second to Council Member Meltzer's amended motion to postpone. As a result of the second being withdrawn, there was no action required on Mayor Watt's motion to table Council Member Meltzer's amended motion to postpone allowing for the item to return sooner or later as determined by the City Manager.

Discussion continued.

Council Member Meltzer moved to postpone the item for a period of six months to an event certain to allow the City Manager to work through the issues discussed. Motion seconded by Council Member Armintor. Motion carried.

AYES (5): Mayor Watts and Council Members Briggs, Ryan, Armintor and Meltzer

NAYS (2): Mayor Pro Tem Hudspeth and Council Member Davis

- C. ID 19-2032 Consider approval of a resolution of the City of Denton appointing one member to the Board of Managers of Denco Area 9-1-1 District; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-2032**

The item was presented and no discussion followed.

Council Member Davis moved to appoint Sue Tejml to the Board of Managers of Denco Area 9-1-1 District. 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): Council Member Armintor

- D. ID 19-2067 Consider adoption of an ordinance of the City of Denton, a Texas municipal home-rule corporation, reimbursing LGI Homes, Inc., a Delaware corporation, \$236,000 as a credit for assessed and collected roadway impact fees for Beaver Creek Additions - Phase 1B and Beaver Creek Addition - Phase 2, Denton, Denton County, Texas, pursuant to Ordinance 2016-189; providing for the expenditure of funds; and, providing for an effective date.

**ASSIGNED ORDINANCE NO. 19-2067**



The item was presented and discussion followed.

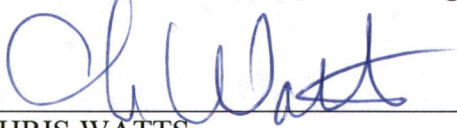
Council Member Briggs moved to approve the item as presented. Motion seconded by Council Member Ryan. Motion carried.

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

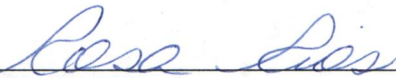
#### 4. CONCLUDING ITEMS

Council Members expressed items of interest, congratulatory remarks and provided general announcements. Staff to provide responsive information to those requests for information as part of the Friday Report process.

With no further business, the meeting was adjourned at 7:47 p.m.



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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



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ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 17, 2019