

CITY OF DENTON CITY COUNCIL MINUTES
October 15, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, October 15, 2019, at 2:02 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, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: Council Member Jesse Davis

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 4.F (ID 19-2366) - Pulled for Individual Consideration. (Meltzer)

3. Work Session Reports

- A. ID 19-2355 Receive a report, hold a discussion, and give staff direction on Council Members serving on internal, external, and local/community boards and committees.

The presentation was made and discussion followed.

Following discussion, there was no direction provided as the need was not identified.

- B. ID 19-2087 Receive a report, hold a discussion, and provide staff direction on requests from council members.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 1 - Citywide moratorium for small marijuana possession arrests (Armintor)
 - No consensus to discuss at a future work session

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 2:20 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 19-2218 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Manager and City Attorney.

DELIBERATED

- B. ID 19-2372 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Receive a presentation from staff regarding public power competitive and financial matters related to a Power Purchase Agreement between the City of Denton, as the seller of power and electric energy services, and the University of North Texas, as a buyer of power and electric energy services; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

DELIBERATED

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

- C. ID 19-2373 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Receive a presentation from staff regarding public power competitive and financial matters related to a Power Purchase Agreement between the City of Denton, as the seller of power and electric energy services, and Texas Woman's University, as a buyer of power and electric energy services; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

DELIBERATED

Council Members Meltzer and Armintor were not required to recuse themselves from discussion as the information that would have created a conflict was not discussed.

The Closed Meeting started at 2:25 p.m. and ended at 6:17 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, October 15, 2019, at 6:33 p.m. in the Council Chambers 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. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 19-2180 Colonial Heritage Month - ISSUED
- B. ID 19-2234 Serve Denton Center Grand Opening - ISSUED
- C. ID 19-2383 World Homeless Day - ISSUED
- D. ID 19-2387 Peterbilt Pride & Class Proclamation - ISSUED
- E. ID 19-2388 Public Power Week - ISSUED
- F. ID 19-2389 Community Planning Month - ISSUED

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.

None.

C. Additional Citizen Reports (Open Microphone)

- Diana Leggett, 1019 Aileen Street - horse drawn carriages, liability, litigation concerns and proposed electric carriages as an alternative

4. CONSENT AGENDA

The consent agenda consisted of Items 4.A-J. During the Work Session held earlier in the day, Item 4.F (ID 19-2366) was pulled for individual consideration by Council Member Meltzer.

Council Member Briggs moved to adopt the Consent Agenda, now consisting of items 4.A-E and G-J. Motion seconded by Mayor Pro Tem Hudspeth. Motion carried.

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

NAYS (0): None

- A. ID 19-2188 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute a memorandum of understanding with the United States Marshals Service, (USMS) for the participation of the Denton Police Department in the Regional Fugitive Task Force for Fiscal Year 2020; for the purpose of locating and apprehending fugitives; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2188

- B. ID 19-2196 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 IDEXX Distribution, Inc. c/o IDEXX Laboratories, for drinking water compliance testing, and for laboratory services and animal testing materials for the Denton Animal Shelter, which is the sole provider of these services; in accordance with Texas Local Government Code 252.022, 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 7133 - awarded to IDEXX Distribution, Inc. c/o IDEXX Laboratories in the five (5) year not-to-exceed amount of \$600,750).

ASSIGNED ORDINANCE NO. 19-2196

- C. ID 19-2339 Consider approval of a resolution approving the issuance of revenue bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society in an aggregate principal amount not to exceed \$14,500,000; recognizing that the City of Denton is not responsible for issuing the revenue bonds and has no financial obligation to pay any principal of or interest on the revenue bonds; making certain findings in connection therewith; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-2339

- D. ID 19-2360 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 vending machine services for the City; and providing an effective date (RFP 7026 - awarded to Supreme Food Services, dba Vend Pro Refreshment Services, for a three (3) year term, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).
ASSIGNED ORDINANCE NO. 19-2360
- E. ID 19-2365 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 AT&T Mobility LLC, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-3420 for priority cellular access through the First Responder Network Authority (FirstNet), FirstNet Ready cell phones, and on-going maintenance; providing for the expenditure of funds therefor; and providing an effective date (File 7148 - awarded to AT&T Mobility LLC, in the five (5) year not-to-exceed amount of \$2,531,419.76).
ASSIGNED ORDINANCE NO. 19-2365
- G. ID 19-2367 Consider adoption of an ordinance of the City of Denton, approving an agreement with the Denton Parks Foundation and the City of Denton, to allow the Denton Parks Foundation to raise funds and support programming for the Parks and Recreation Department; authorizing the City Manager or his designee to execute the Denton Parks Foundation agreement; and providing an effective date.
ASSIGNED ORDINANCE NO. 19-2367
- H. ID 19-2375 Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute a Contract of Sale between the City of Denton, a Texas home-rule municipal corporation ("Denton"), as Buyer, and the City of Garland, a Texas home-rule municipality ("Garland"), as Seller, to acquire fee title to a 2.194 acre tract and an access easement covering 0.076 acres, both situated in the Mary L. Austin Survey, Abstract No. 4, City of Denton, Denton County, Texas, and more particularly described in Exhibit "A," for the purchase price of Two Hundred Ninety-Eight Thousand One Hundred Thirty-Two Dollars and No Cents (\$298,132.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date.
ASSIGNED ORDINANCE NO. 19-2375
- I. ID 19-2431 Consider approval of the minutes of September 24, 2019.
- J. ID 19-2511 Consider approval of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and deliver an Advance Funding Agreement related to the furnishing and installing of traffic signal equipment by a municipality between the City of Denton and the Texas Department of Transportation, regarding the City's request for reimbursement of the cost of installing traffic signal equipment directly related to the operation of intersections along the I-35E frontage road within the City that are specified in the Agreement; authorizing the expenditure of funds thereof; and providing an effective date.
ASSIGNED ORDINANCE NO. 19-2511

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- F. ID 19-2366 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 Halff Associates, Inc., for design services for the University of North Texas (UNT) underground electrical relocation on the Bonnie Brae Phase III (Roselawn to I-35E) Improvement Project as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-075 - Professional Services Agreement for design services awarded to Halff Associates, Inc., in the not-to-exceed amount of \$184,840).

ASSIGNED ORDINANCE NO. 19-2366

Pulled for individual consideration by Council Member Meltzer.

Council Members Armintor and Meltzer had a conflict of interest on the item and left the Council Chambers.

The presentation was made and discussion followed.

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

ABSTAIN (2): Council Members Armintor and Meltzer

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-2332 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the Electric Utility (\$37,649,374), Solid Waste (\$3,120,000), Water (\$2,421,800), Wastewater (\$11,360,000), and General Government (\$36,631,000) with Tax - Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$91,182,174; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2332

The presentation was made and discussion followed.

Mayor Pro Tem Hudspeth moved to approve 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): Council Member Armintor

- B. ID 19-2359 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 Modern Geosciences, LLC, for gas well inspection services for the Environmental Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7095 - awarded to Modern Geosciences, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) years not-to-exceed amount of \$750,000).

ASSIGNED ORDINANCE NO. 19-2359

The presentation was made and discussion followed.

Council Member Meltzer moved to approve 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

- C. ID 19-2505 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 Waste Connections Lone Star, Inc., providing for a guaranteed volume agreement for the landfill; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2505

Items 5.C (ID 19-2505) and 5.D (ID 19-2487) were collectively read into the record and presented, with each item voted on individually.

The following requested to have their name read into the record as noted:

- Ed Soph, 1620 Victoria Drive - in opposition
- Carol Soph, 1620 Victoria Drive - in opposition

The presentation was made and discussion followed.

The following spoke on the items:

- Kevin Richardson, 911 Chiquita Street - in opposition
- Diana Leggett, 1019 Aileen Street - in opposition
- Jennifer Lane, 1526 Willwood - in opposition

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Davis.

Following further discussion, Mayor Watts called the vote on Mayor Pro Tem Hudspeth's motion, seconded by Council Member Davis, to approve the item as presented. Motion carried.

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis and Ryan,
NAYS (3): Council Members Briggs, Armintor, and Meltzer

- D. ID 19-2487 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 Allied Waste Services of Fort Worth, LLC., providing for a guaranteed volume contract for the landfill; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2487

Items 5.C (ID 19-2505) and 5.D (ID 19-2487) were collectively read into the record and presented, with each item voted on individually.

The following requested to have their name read into the record as noted:

- Ed Soph, 1620 Victoria Drive - in opposition
- Carol Soph, 1620 Victoria Drive - in opposition

The presentation was made and discussion followed.

The following spoke on the items:

- Kevin Richardson, 911 Chiquita Street - in opposition
- Diana Leggett, 1019 Aileen Street - in opposition
- Jennifer Lane, 1526 Willwood - in opposition

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Ryan.

Following further discussion, Mayor Watts called the vote on Mayor Pro Tem Hudspeth's motion, seconded by Council Member Ryan, to approve the item as presented. Motion carried.

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis and Ryan
NAYS (3): Council Members Briggs, Armintor, and Meltzer

- E. ID 19-2512 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee and Health & Building Standards Commission.

The was no presentation and no discussion on the item.

Mayor Pro Tem Hudspeth moved to approve the following as noted.

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Animal Shelter Advisory Committee	7	Watts	Sara	Hensley	N/A	UNEXPIRED September 1, 2019 through August 31, 2019	New (Qualif.: 2/City Official)
Health & Building Standards Commission	4	Ryan	Sam - 6	Ortiz	HOLDOVER July 1, 2018 through June 30, 2020	July 1, 2018 through June 30, 2020	Reappointment (Qualif.: 6/Other)

Motion seconded by Council Member Davis.

Council Member Ryan offered a friendly amendment to remove the nomination of Mr. Sam Ortiz from the Health and Building Standards Commission. Mayor Pro Tem Hudspeth and Council Member Davis accepted the friendly amendment.

Motion carried to appoint the following as noted.

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Animal Shelter Advisory Committee	7	Watts	Sara	Hensley	N/A	UNEXPIRED September 1, 2019 through August 31, 2019	New (Qualif.: 2/City Official)

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

NAYS (0): None

6. PUBLIC HEARINGS

- A. AESA19-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a request for an Alternative Environmentally Sensitive Area Plan for approximately 49.9-acres of land generally located on the north side of West University Drive and west of North Masch Branch Road in the City of Denton, Denton county, Texas; adopting an amendment to the city’s official ESA map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. (AESA19-0001, fisher 59, Hayley Zagurski)

ASSIGNED ORDINANCE NO. AESA19-0001a

The presentation was made and discussion followed.

The public hearing was opened and with no speakers coming forward, the public hearing was closed.

Council Member Armintor moved to postpone the item until FEMA approved the project. After further discussion and staff clarification, Council Member Armintor withdrew her motion.

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Ryan. Motion carried.

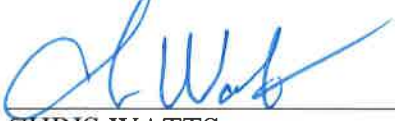
AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Armintor

NAYS (1): Council Member Meltzer


7. 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 8:39 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ZOLAINA PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: November 5, 2019