

CITY OF DENTON CITY COUNCIL MINUTES  
December 3, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, December 3, 2019, at 12:05 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 4.E (ID 19-2826) - As requested, staff provided clarification on the purpose and method of striping. (Briggs)

**3. Work Session Reports**

- A. ID 19-2259 Receive a report, hold a discussion, and give staff direction regarding the development of the Hunter-Cole Ranch master planned community in southwest Denton.

The item was presented and discussion followed.

The meeting was recessed for a short break at 1:13 p.m. and reconvened at 1:23 p.m.

Discussion continued.

The meeting was recessed for a short break at 2:43 p.m. and reconvened at 2:50 p.m.

Discussion continued.

Following discussion, staff was directed to provide additional detail on recommendations presented and incorporate such as part of the next work session item to allow City Council to provide clear direction in the noted areas.

- B. ID 19-2445 Receive a report and hold a discussion regarding the Vision Zero roadway traffic safety initiative.

The item was presented and discussion followed.

Mayor Watts departed to attend a Leadership Denton event. Mayor Pro Tem Hudspeth stepped in as Presiding Officer.

Following discussion, there was no direction provided as the agenda posting did not provide for City Council to provide direction. Staff reported the item would return on the December 10<sup>th</sup> meeting.

- C. ID 19-2822 Receive a report, hold a discussion, and seek direction regarding the creation of a Bond Oversight Committee to monitor, evaluate, and report on the progress of bond election capital improvement programs.

The item was presented and discussion followed.

Following discussion, staff was directed to provide attendance information for those members, for the last three years, that have served on a City bond committee, and schedule another work session to allow further discussion and direction from City Council on the composition of the proposed Committee.

- D. ID 19-2470 Receive a report, hold a discussion, and give staff direction regarding the Denton Municipal Electric (DME) Budget.

The item was presented and discussion continued.

Following discussion, there was no direction provided as the item was for presentation purposes, the forecast would be updated during the Fiscal Year 2020-21 Budget Process, and staff would continue to provide regular updates on DME performance factors.

Mayor Watts returned to the Work Session and took over as Presiding Officer.

- E. ID 19-2806 Receive a report, hold a discussion, and give staff direction on a request for a future Council Work Session to discuss whether to adopt additional regulations to the City's Gas Well Ordinance.

The item was presented and discussion followed. The work session was held in follow up to the City Council request by Council Member Armintor discussed on November 12<sup>th</sup> (Item 19-2684, Sub Item 3) for a work session on the topic to clarify if a full work session on the request was to be scheduled.

Following discussion, there was no consensus to discuss at a future work session.

The meeting was recessed for a short break at 5:31 p.m. and reconvened at 5:38 p.m.

- F. ID 19-2256 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: (1) Labor contracts minimum wage criteria

The item was presented and discussion followed.

Following discussion, there was no consensus to discuss at a future work session.

The Work Session ended at 5:42 p.m.

### **CLOSED MEETING - NOT HELD**

1. The Closed Meeting was not held. Therefore, there was no deliberation of the following item:
  - A. ID 19-2854 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 about the purchases and risks of wholesale energy supply and existing power purchase agreements as each relates to the electric budget; 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.

**NOT DELIBERATED**

### **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, December 3, 2019, at 6:31 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 19-2880 Police Appreciation Day - 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)

- Willie Hudspeth, 623 Newton - praised his grandchildren; addressed the homeless problem behind his home; nothing said by Council on statue downtown.
- Rena Hardeman, P.O. Box 1180, Justin - delivered statements provided by residents of Northlake regarding high density residential development near the airport

**4. CONSENT AGENDA**

The consent agenda consisted of Items 4.A-L. No items were pulled for individual consideration.

Council Member Ryan moved to adopt the Consent Agenda as presented. 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 19-2738 Consider approval of the minutes of November 12 and November 15, 2019.
- B. ID 19-2774 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on December 5, 2017, in the not-to-exceed amount of \$1,529,180, amended by Amendments 1-2 approved by Purchasing staff, said third

amendment to provide additional engineering services related to the Phase II upgrade of the Lake Lewisville water treatment plant (LLWTP), zebra mussels control measures for both Lake Ray Roberts and Lake Lewisville raw water pump stations, and LLWTP sludge dewatering facility in the amount of \$419,980; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6305 - providing for an additional third amendment expenditure amount not-to-exceed \$419,980, with the total contract amount not-to-exceed \$1,989,530). The Public Utilities Board recommends approval (7 - 0).

**ASSIGNED ORDINANCE NO. 19-2774**

- C. ID 19-2775 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 with Altec Industries, Inc. through the Sourcewell Cooperative Purchasing Network Contract Number 012418, for the acquisition of one (1) Altec model AT41M Articulating Telescopic Aerial truck for the Traffic Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7207 - awarded to Altec Industries, Inc., in the not-to-exceed amount of \$151,867).

**ASSIGNED ORDINANCE NO. 19-2775**

- D. ID 19-2810 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 Dell Marketing LP, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract# DIR-TSO-3763 for the purchase of desktop Personal Computers (PCs), notebook PCs, peripherals, audiovisual equipment, maintenance and services; providing for the expenditure of funds therefor; and providing an effective date (File 7076 - awarded to Dell Marketing, L.P., in the amount of \$2,227,498).

**ASSIGNED ORDINANCE NO. 19-2810**

- E. ID 19-2826 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 with Vogel Traffic Services, Inc. dba EZ-Liner Industries through the Sourcewell Cooperative Purchasing Network Contract Number RFP #052417, for the acquisition of one (1) EZ-Liner Model TV-AL110 Paint Striping truck for the Traffic Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7220 - awarded to Vogel Traffic Services, Inc. dba EZ-Liner Industries, in the not-to-exceed amount of \$146,933).

**ASSIGNED ORDINANCE NO. 19-2826**

- F. ID 19-2824 Consider approval of a resolution revising Administrative Policy No. 403.07 "Debt Service Management"; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

**ASSIGNED RESOLUTION NO. 19-2824**

- G. ID 19-2825 Consider approval of a resolution revising the Administrative Policy No 403.06 "Investment Policy"; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

**ASSIGNED RESOLUTION NO. 19-2825**

- H. ID 19-2827 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 CentralSquare Technologies, LLC, for the continued support of the Tritech Public Safety System and associated module used for the Police and Fire Department, which is the sole provider of this software, 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 2640 - awarded to CentralSquare Technologies, LLC, in the six (6) month not-to-exceed amount of \$137,871.28).

**ASSIGNED ORDINANCE NO. 19-2827**

- I. ID 19-2832 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7173 for painting services for various City buildings and projects by the City of Denton; and providing an effective date (IFB 7173).

**ASSIGNED ORDINANCE NO. 19-2832**

- J. ID 19-2835 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship to the Denton Holiday Festival Association, Inc., in an amount not to exceed \$15,208 of in-kind services and resources for the 31st Annual Denton Holiday Lighting Festival, which will be held on Friday, December 6, 2019, from 5:30 p.m. to 9:30 p.m., at the historic downtown square; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2835**

- K. ID 19-2861 Consider adoption of an ordinance of the City of Denton repealing Ordinance No. 90-197; adopting an updated Records Management Policy establishing authority for an active and continuing Records Management Program to be administered by the Records Management Officer in accordance with the requirements of the Local Government Records Act; providing for savings and severability clauses; and providing an effective date.

**ASSIGNED ORDINANCE NO. 19-2861**

- L. ID 19-2873 Consider approval of a resolution of the City of Denton, Texas expressing support for federal tax credits for green energy programs as contained within the proposed Growing Renewable Energy and Efficiency Now (GREEN) Act of 2019; directing a letter to that effect be delivered to the U.S. Senate Finance Committee and other parties as deemed appropriate; and providing an effective date.

**ASSIGNED RESOLUTION NO. 19-2873**

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 19-2823 Consider approval of a resolution casting votes for membership to the Board of Directors of the Denton Central Appraisal District; and providing for an effective date.

### **ASSIGNED RESOLUTION NO. 19-2873**

The item was presented and discussion followed.

Council Member Meltzer moved to cast all votes for Rick Woolfolk for membership to the Board of Directors of the Denton Central Appraisal District. 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

- B. ID 19-2841 Receive a presentation of an ordinance of the City of Denton, amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (g)(5) (Majority Vote Required) treating all matters ending in a tie-vote as a denial; providing for a severability clause; and providing for an effective date.

Items 5.B (ID 19-2841), 5.C (ID 19-2845), 5.D (ID 19-2846), 5.E (ID 19-2847), and 5.F (ID 19-2848) were collectively read into the record and presented.

No action was needed as the item was simply for presentation as required under the City Council Rules of Procedure prior to scheduling for formal adoption.

Requested changes at the City Council level, by consensus, was that if the tie vote resulted from a recusal, the item would be considered a denial. If the tie vote was due to an absence, the item would return for consideration with no time limits.

For all boards and commissions, the proposed change as originally presented was found acceptable, but would not include the Planning and Zoning Commission as they have their own legislation. Item to return at a future meeting for additional discussion/presentation.

- C. ID 19-2845 Receive a presentation of an ordinance of the City of Denton to amend the City of Denton Code of Ordinances (Code) Section 2-29(f)(4)(d) (City Council Rules of Procedure) related to public hearings by allowing speakers who have previously provided input the opportunity to provide a rebuttal after hearing the applicant's rebuttal; providing for a severability clause; and providing for an effective date.

Items 5.B (ID 19-2841), 5.C (ID 19-2845), 5.D (ID 19-2846), 5.E (ID 19-2847), and 5.F (ID 19-2848) were collectively read into the record and presented.

No action was needed as the item was simply for presentation as required under the City Council Rules of Procedure prior to scheduling for formal adoption.

Requested changes, by consensus, was to allow for only one (1) single rebuttal with no restriction on content and a two (2) minute time limit; this would add a new section and remunerate others in ordinance to reflect the addition. Item to return at a future meeting for additional discussion/presentation.

- D. ID 19-2846 Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29(f)(4) (City Council Rules of Procedure) subsection (4) (Presentations from Members of the Public) allowing up to seven (7) members of the public to address the body through any combination of prior registration and open microphone presentations; providing for a severability clause; and providing for an effective date.

Items 5.B (ID 19-2841), 5.C (ID 19-2845), 5.D (ID 19-2846), 5.E (ID 19-2847), and 5.F (ID 19-2848) were collectively read into the record and presented.

No action was needed as the item was simply for presentation as required under the City Council Rules of Procedure prior to scheduling for formal adoption.

By consensus, the proposed changes were found acceptable as presented.

- E. ID 19-2847 Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (h) (creation of committees, boards, and commissions) requiring boards, commissions, and committees to establish a regular meeting schedule; providing for a severability clause; and providing for an effective date.

Items 5.B (ID 19-2841), 5.C (ID 19-2845), 5.D (ID 19-2846), 5.E (ID 19-2847), and 5.F (ID 19-2848) were collectively read into the record and presented.

No action was needed as the item was simply for presentation as required under the City Council Rules of Procedure prior to scheduling for formal adoption.

By consensus, the proposed changes were found acceptable as presented.

- F. ID 19-2848 Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-83 (c) to revise the absences provision for board, commission, and committees by establishing procedures and definitions to determine if an absence is excused or unexcused; providing for a severability clause; and providing for an effective date.

Items 5.B (ID 19-2841), 5.C (ID 19-2845), 5.D (ID 19-2846), 5.E (ID 19-2847), and 5.F (ID 19-2848) were collectively read into the record and presented.



No action was needed as the item was simply for presentation as required under the City Council Rules of Procedure prior to scheduling for formal adoption.

By consensus, the proposed changes were found acceptable as presented.

Staff reported that in order to address a council member's ability to request consideration of an item, the following language was/would be added to City Council agendas:

*NOTE: Any item scheduled for formal action at the Special Called Meeting may be subject to a motion for reconsideration at any time during the meeting or after the meeting, up until the next succeeding official meeting of the council.*

By consensus, the city attorney to modify the language to coincide with the intent of the provision.

## **6. PUBLIC HEARINGS**

Mayor Watts announced there were no public hearings to consider; therefore, the following items were not read into the record.

- A. S19-0003a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a Multifamily Dwelling use on approximately 12.33 acres of land. The property is generally located on the north side of Poinsettia Boulevard, approximately 945 feet east of East Sherman Drive in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. THIS ITEM HAS BEEN POSTPONED TO THE DECEMBER 17, 2019 CITY COUNCIL MEETING. (S19-0003, Oxford at Sherman Drive, Julie Wyatt)

**NOT HELD/CONSIDERED**

- B. S19-0012a Hold a public hearing and consider adoption of an ordinance of the city of Denton, Texas, approving a Specific Use Permit to allow for a multi-family development on an Approximately 15.34-acre site, generally located on the northwest corner of Duchess Drive and Loop 288, in the City of Denton, Denton County, Texas; providing for a Penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. No action was taken by the Planning and Zoning Commission. THIS ITEM HAS BEEN POSTPONED FOR THE JANUARY 7, 2020 CITY COUNCIL MEETING. (S19-0012, Denton Grove Apartments, Karina Maldonado)

**NOT HELD/CONSIDERED**

7. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:34 p.m.



CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS



ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: December 17, 2019