CITY OF DENTON CITY COUNCIL MINUTES
April 9, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 9, 2019, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

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.A (ID 19-086) – As requested, staff clarified the type of agreement being presented for adoption. (Briggs)
- Consent Item 1.E (ID 19-691) – As requested, staff clarified the type of services covered for right-of-way maintenance on standard locations, with the addition of 20 acres south of 377. (Briggs)
- Consent Item 1.H. (ID 19-813) – Clarified the standards under which a possible conflict could exist; and after consulting with the city attorney, none existed, thus has the ability to vote. (Meltzer)
- Consent Item 1.H. (ID 19-813) – As requested, staff clarified the item was for ratification of the Council Committee on the Environment letter sent in support the UNT grant application. Request to pull for individual consideration. (Watts and Hudspeth)

3. **Work Session Reports**

C. ID 19-788 Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's Enhanced Liquids Recirculation Program.

The presentation centered on (1) landfill components, including (a) gas collection & monitoring systems, (b) landfill gas to energy system (LFGE), and (c) enhanced leachate recirculation system; (2) definitions for leachate, leachate recirculation, and landfill gas (LFG); (3) enhanced liquids recirculation (ELR) program; (4) how the ELR system is working: (a) negative impact on environmental risk, and (b) marginal benefit in enhanced

LFG generation, (c) marginal benefit in accelerated incremental landfill settlement, and (d) no benefit in the liability reduction; and (5) landfill gas to energy alternatives, (a) pipeline gas, (b) additional LFGE engines, and (c) flaring - no beneficial reuse. Staff recommendation was to discontinue ELR operations as the primary objectives of ELR are not being realized and LFG is costly and produces emissions.

City Council consensus was to move forward with staff's recommendation.

A. ID 19-649 Receive a report, hold a discussion, and give staff direction regarding the construction of restroom facilities at Carl Young Sr. Park and Quakertown Park.

Presentation covered (1) bids received for restrooms at both parks; (2) location of the restrooms; (3) project goals and outcomes; (4) restroom types, how many at each, anticipated costs, size, warranty, and ADA compliant, (5) design type, (a) prefabricated or (b) pre-designed; (6) options to fund type, restrooms, size, cost, construction and available CDBG funding; and (7) soft costs, staff time.

City Council consensus was for pre-designed restrooms (Option 2) and with process to start on April 10, 2019. Staff to return with material options on design.

B. ID 19-720 Receive a report, hold a discussion, and give staff direction regarding a request from the Denton Community Market for additional financial support of $101,191 per year.

Presentation covered (1) background information on the Denton Community Market; (2) funding levels through several partners, including the City; (3) County continuing in-kind support if City continues to also provide funding; (4) ten cities surveyed and how those farmers markets are funded; (5) city funding for 501(c)(3) organizations; (6) vendor fees charged and the variables on how costs, if any, applied; such fees being part of City's fee schedule; (7) breakdown of funding each fiscal year since FY 12-13 to present; and (8) potential funding sources for the request, (a) General Fund, and (b) Hotel Occupancy Tax Fund.

Direction sought on how to proceed on a method of funding; "recurring" funding options were detailed. The possibility of including a staff member to provide assistance to non-profits was discussed, but no particular direction was decided on.

Vicki Oppenheim, Director of Denton Community Market, spoke to her supplemental request for funding to cover salaries and payroll taxes for two employees; although staff is supposed to be part time, they are working full time hours. If funding not received, future of DCM is unknown.

The meeting was recessed for a short break at 4:01 p.m. and reconvened at 4:09 p.m.

Staff was asked to follow up on (1) if vendors at the Arts & Fest Jazz Festival selling consumer goods pay permit fees, as compared to no permit fee at the farmers market; (2) possibility of providing portable restrooms at the Community Market; (3) look at additional in-kind support; (4) review/verify sales tax collected/paid by vendors; and (5) availability of Civic Center for the next 9 months. Community Market staff was asked to submit alternative funding options; also asked to apply for HOT Fund funding under the standard process. Staff's direction was to have this request reviewed by the Hotel Occupancy Tax and Sponsorship Committee.

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

The presentation highlighted and summarized the discussions to date and direction staff to take in the areas of (1) applicability of this code to existing residential uses and structures; (2) existing uses and structures requiring an SUP; (3) R-7 Zoning District; (4) maximum persons occupying a dwelling; (5) general retail unless otherwise specified, more than 15,000 square feet; (6) notifications on upcoming proposed amendments and response levels on letters and public hearings/response forms; (7) previous zoning change approvals and denials two years ago; and (8) upcoming public hearing schedule at both the Planning & Zoning Commission and City Council through proposed adoption. In-depth discussion was held on how changes the zoning map would be made.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:07 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

A. ID 19-574 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential acquisition of real property interests generally located (i) in the 800 block of Eagle Dr., (ii) Ave. H between W. Hickory St. and W. Prairie St., (iii) W. Prairie St. between S. Bonnie Brae St. and North Texas Blvd., (iv) Stella St. between S. Bonnie Brae St. and North Texas Blvd.; (v) North Texas Blvd. between Stella St. and Eagle Blvd., (vi) Maple St. between S. Locust St. and Ave. C, (vii) Faninn St. between S. Ave. B and Bernard St., (viii) S. Ave B. from Maple St. to Underwood St., (ix) Bernard St. between Eagle Blvd. and Collins St., (x) Carroll Blvd. between Eagle Dr. and W. Collins St., (xi) W. Collins St. between S. Ave. A and Carroll Blvd., (xii) Myrtle St. between Fort Worth Dr. and Maple St. (xiii) Pierce St. between Maple St. and Stroud St., (xiv) Eagle Dr. between S. Locust St. and Ave. C, (xv) Fort Worth Dr. between W. Collins St. and Maple Ave. all in the City of Denton, Denton County, Texas. Consultation with the City's attorneys

regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above 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. (Electric distribution and transmission lines and Eagle substation)

Note: Prior to discussion of the item, Mayor Watts announced Council Member Armintor and Council Member Meltzer had a conflict of interest on the item and had left the Work Session Room.

The Closed Meeting was recessed for a short break at 6:01 p.m. and reconvened at 6:06 p.m.

B. ID 19-808 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087. Receive a report and hold a discussion regarding the offer of a financial or other incentive to Sally Beauty Company. This discussion shall include commercial and financial information, including an economic development application, the City has received from Sally Beauty Company, 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.

Note: Prior to discussion of the item, Mayor Watts announced Council Member Briggs had a conflict of interest on the item and had left the Work Session Room.

The Closed Meeting ended at 6:43 p.m. No votes or actions were taken in the Closed Meeting.

SPECIAL CALLED MEETING

After determining that a quorum was present, the Special Called Meeting was called to order at 6:50 p.m. in the Council Chambers.

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

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

1. CONSENT AGENDA

The consent agenda consisted of Items 4.A - H. Item 4.H (ID 19-689) was pulled for individual consideration by Council Member Meltzer.

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

AYES (6): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Hudspeth, Briggs, Armintor, and Meltzer
NAYS (0): None
ABSENT (1): Council Member Duff

A. ID 19-086 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Pole Attachment License Agreement between the City of Denton, a Texas-Home Rule Municipal Corporation, and MCImetro Access Transmission Services Corp., a Delaware Corporation; and, providing for an effective date.
ASSIGNED ORDINANCE NO. 19-086

B. ID 19-684 Consider approval of a resolution allowing Profest, Inc. to sell alcoholic beverages at the Denton Arts & Jazz Festival, which will be held on Friday, April 26, from 10:00 p.m. to midnight, through Sunday, April 28, 2019, from 11:00 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. 19-684

C. ID 19-688 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed $196,000 of in-kind services and resources for the Denton Arts & Jazz Festival to be held on Friday, April 26, through Sunday, April 28, 2019, at the Quakertown Park; and providing an effective date.
ASSIGNED ORDINANCE NO. 19-688

D. ID 19-689 Consider adoption of an ordinance of the City of Denton, granting the Denton Festival Foundation, Inc. pursuant to Section 17-20 of the City of Denton Code of Ordinances, a noise exception for the Denton Arts & Jazz Festival, which will be held on Friday, April 26, and Saturday, April 27, from 10:00 p.m. to midnight; and Sunday, April 28, 2019, from 11:00 a.m. to 10:00 p.m. at the Quakertown Park; granting a variance in hours of operation for amplified sound levels for an outdoor music festival; and providing an effective date.
ASSIGNED ORDINANCE NO. 19-689

E. ID 19-691 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Rights-of-Way and Private Property Maintenance for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB - 6980 awarded to the lowest responsive bidder for each line item: Section I for the supply of enhanced right-of-way maintenance services awarded to Watts Ellison, LLC dba D&D Commercial Landscape Management in a total not-to-exceed amount of $1,057,980, Section II for the supply of private property maintenance services awarded to Freedom Commercial Services, LLC., in a total not-to-exceed amount of $105,000, in a total three (3) year, not-to-exceed amount of $1,162,980).
ASSIGNED ORDINANCE NO. 19-691

F. ID 19-693 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and Ancor Information Management, LLC, dba Utilitec, for utility printing and mailing services, amending the contract approved by City Council on October 20, 2015, in the not-to-exceed amount of $1,300,000; said first amendment to provide continued billing, printing and mailing services of the City of Denton's utility bills; providing for the expenditure of funds therefor; and providing an effective date (RFP 5815 - extending the contract to April 20, 2020, and providing for an additional expenditure amount not-to-exceed $325,000, for a total contract amount not-to-exceed $1,625,000).
ASSIGNED ORDINANCE NO. 19-693

G. ID 19-790 Consider approval of a resolution of the City of Denton supporting legislation that would allow to-go retail sales at Texas breweries, of ale and beer produced on the brewer's or manufacturer's premises, in the 86th Texas Legislature; and providing an effective date.
ASSIGNED RESOLUTION NO. 19-790

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

H. ID 19-813 Consider approval of a Resolution of the City Council of the City of Denton, Texas to ratify a letter of support for the University of North Texas Grant application to the Sloan Foundation to develop "an integrated low-cost, multi-scale air pollution monitoring, mapping, and modeling platform" previously sent on behalf of the Council Committee on the Environment; and providing an effective date.
ASSIGNED RESOLUTION NO. 19-813
Pulled for individual consideration by Mayor Watts and Council Member Hudspeth.

Staff clarified the letter of support submitted by the Council Committee on the Environment in support of the UNT grant application should have come from the City Council and not from the Committee. City Manager Hileman confirmed the issue was discussed in detail with Staff and the item should not have been rushed with the ultimate decision to have been that of the City Council.

Council Member Briggs moved to adopt the item as presented and ratify the decision of the Council Committee on the Environment. Motion seconded by Council Member Armintor. Motion carried.

AYES (5): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Briggs, Armintor, and Meltzer
NAYS (1): Council Member Hudspeth
ABSENT (1): Council Member Duff

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 19-640 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or designee, to execute a confidentiality and non-disclosure agreement between the City and Helena Wind, LLC., and a confidentiality and non-disclosure agreement between the City and OnPeak Power, LLC; providing for a severability clause; and providing for an effective date.
ASSIGNED ORDINANCE NO. 19-640

The presentation centered on (1) background information on the requests for solar and coastal wind proposals; (2) the two proposals received and need to obtain Confidential Agreement/Non-Disclosure Agreements; and (3) the terms of those agreements.

Council Member Briggs moved to adopt the item as presented. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (6): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Hudspeth, Briggs, Armintor, and Meltzer
NAYS (0): None
ABSENT (1): Council Member Duff

B. ID 19-678 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 The O'Haver Company, Ltd. dba O'Haver Contractors, for the construction of a new Fire Station #3 located at the corner of McCormick Street and Underwood Street; providing for the expenditure of funds therefor; and providing an effective date (RFP 6899 - awarded to The O'Haver Company, Ltd. dba O'Haver Contractors in the not-to-exceed amount of $6,298,000).
ASSIGNED ORDINANCE NO. 19-678

Mayor Watts announced Council Member Briggs had a conflict of interest on the item and had left the Work Session Room.

Presentation centered on (1) background information on the proposed location; (2) Phases 1 and 2 and what each covers; (3) elevation of the building; (4) previous direction received by City Council in the areas of elevation, foundation, roofing and HVAC; (5) RFP process/summary; and (6) bid details by the proposed developer recommended for award of the contract.

Mayor Pro-Tem Ryan moved to adopt the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

AYES (5): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Hudspeth, Armintor, and Meltzer
NAYS (0): None
ABSTAIN (1): Council Member Briggs
ABSENT (1): Council Member Duff

C. ID 19-679 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 Integrated Computer Systems, Inc. for the implementation, licensing, and vendor support for a Computer Aided Dispatch (CAD) and Law Enforcement Records Management System (RMS); providing for the expenditure of funds therefor; and providing an effective date (RFP 6400 - awarded to Integrated Computer Systems, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $3,090,863.53).
ASSIGNED ORDINANCE NO. 19-679

Presentation centered on (1) background information on existing software; (2) present issues, (a) existing CAD RMS issues it presents; (3) process, (a) assessment and requirements development, (b) competitive procurement process, (c) approval needed; (4) options to consider; (5) project estimates to include recurring costs/maintenance; (6) project timeline; and (7) vendor information to include reference checks.

Mayor Pro-Tem Ryan moved to adopt the item as presented. Motion seconded by Council Member Armintor. Motion carried.

AYES (6): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Hudspeth, Briggs, Armintor, and Meltzer
NAYS (0): None
ABSENT (1): Council Member Duff

D. ID 19-772 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics, Committee on Persons with Disabilities, Health & Building Standards Commission, and Public Art Committee.

Council Member Briggs moved to appoint the following as noted:

- Board of Ethics: Ronnie Mohair (Full Member) and Rob Rayner (Alternate)

Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (6): Mayor Watts, Mayor Pro-Tem Ryan and Council Members Hudspeth, Briggs, Armintor, and Meltzer
NAYS (0): None
ABSENT (1): Council Member Duff

3. **CONCLUDING ITEMS**

- (1) Future discussion on adding a Basic Service Center to bond program. (Briggs)
- (1) Announcement on upcoming festival this Wednesday through Sunday. (Meltzer)
- (1) Work session on individuals covered as City officials under the Ethics Ordinance obtaining information from the Ethics Board legal counsel. (Watts)

With no further business, the meeting was adjourned at 7:30 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 5/7/2019