CITY OF DENTON CITY COUNCIL MINUTES
November 12, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, November 12, 2019, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: 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 First Assistant City Attorney Larry Collister

Mayor Pro Tem Hudspeth presided over the meeting until Mayor Watts' arrival.

## WORK SESSION

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

None.

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

- Consent 1.F (ID 19-2684) - As requested, staff provided clarification as to the work session on gas wells and needed correction to reflect the request was Council Member Armintor's and not Council Member Briggs'. (Armintor)
- Consent Item 1.G (ID 19-2685) - As requested, staff provided clarification as to existing ERCOT services. (Briggs)
- Consent Item 1.C (ID 19-2680) - As requested, staff provided clarification as to the funding of guardrails. (Meltzer)

3. **Work Session Reports**

A. ID 19-1721 Receive a report, hold a discussion, and give staff direction regarding the subsidy and resource allocation study for the Parks and Recreation Department (PARD).

The presentation was made and discussion followed.

Following discussion, staff was directed to move forward with this model and address future concerns during the upcoming budget season.

Mayor Watts arrived at 2:36 p.m. and presided over the remainder of the Work Session.

The meeting was recessed for a short break at 3:04 p.m. and reconvened at 3:12 p.m.

C. ID 19-2760 Receive a report, hold a discussion, and give staff direction regarding the imminent cessation of water services from the water provider that serves the Green Tree Estates Subdivision and discuss options with City Council to provide immediate and long term infrastructure services to the residents located within this subdivision.

Mayor Watts advised the City would be providing translation services provided by Community Services Improvement Officer Norman Barbosa.

The presentation was made and discussion followed.

The following spoke during the item:

- Edna Guajardo, 4010 Hilltop Lane - in support of the item
- Elva Hernandez, 6509 Willow Lane - in support of the item
- Andrea Rivas, 2017 Lake Vista Lane - in support of the item
- Alfredo Sanchez, 711 Jackson Street - in support of the item
- Dewey Marshall, 1700 Willowwood Street - in support of the item
- Mariela Nunez-Janes, address not provided - in support of the item

The meeting was recessed for a short break at 4:19 p.m. and reconvened at 4:30 p.m.

Discussion continued.

The meeting was recessed for a short break at 5:28 p.m. and reconvened at 5:43 p.m.

Discussion continued.

At 6:27 p.m., the City Council convened into an executive session pursuant to Chapter 551 of the Texas Government Code, Section 551.071, (Consultation with Attorneys).

The executive session ended at 7:17 p.m. No votes or action were taken during the executive session.

The meeting was recessed for a short break at 7:17 p.m. and reconvened at 7:28 p.m.

Discussion continued.

The meeting was recessed for a short break at 8:10 p.m. and reconvened at 8:17 p.m.

Following discussion, Mayor Watts advised a declaration for a state of emergency would be declared and a plan would take effect which would possibly consist of providing fifty five (55) gallon drums and a two-hundred and fifty (250) gallon tank to residents. Additionally, a follow-up meeting would be held November 15th to ratify the direction provided to staff and vote on the temporary and intermediate solutions.

Mayor Watts advised that Items 1.B (19-2730) and 1.D (ID 19-2759) would be presented at a future date.

B. ID 19-2730 Receive a report, hold a discussion and give staff direction regarding the implementation of an exclusive pedestrian phase in the traffic signal operations of the downtown intersections at Oak and Elm, Oak and Locust, Hickory and Elm, and Hickory and Locust as a pilot program for evaluation as a safety improvement for all modes of transportation in the downtown area.
**NOT PRESENTED**

D. ID 19-2759 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.
**NOT PRESENTED**

E. ID 19-2210 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) Citizen Police Review Boards

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 1 - Citizen Police Review Boards (Armintor)
  - No consensus to develop an informal staff report (ISR)

**CLOSED MEETING - NOT HELD**

1. The Closed Meeting was not held. Therefore, there was no deliberation of the following item:

A. ID 19-2694 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.
**NOT DELIBERATED - RESCHEDULED FOR NOVEMBER 17, 2019**

## 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, November 12, 2019, at 8:25 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-I. No items were pulled for individual consideration.

Council Member Briggs moved to adopt the Consent Agenda as presented with the following correction to Item 3.F (ID 19-2684), Item 3.

- Item 3 - Gas well safety and possible gas well ordinance inclusions (Briggs/Armintor)
  - Council consensus was given to schedule a future work session with no previous decisions or areas discussed to be part of the upcoming presentation.

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 19-2621 Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed $3,748 of in-kind services and resources for the Downtown Denton Turkey Trot and Kids' Gobble Wobble, which will be held on Thursday, November 28, 2019, from 7:00 a.m. to 11:00 p.m., at the McKinney Street parking lot; and providing an effective date.
**ASSIGNED ORDINANCE NO. 19-2621**

B. ID 19-2673 Consider adoption of an ordinance of the City of Denton, Texas, approving a City sponsorship of in-kind services and resources in an amount not to exceed $1,000 for the Denton Fire Traditions Calendar Fundraiser on Saturday, November 16, 2019; and providing an effective date.
**ASSIGNED ORDINANCE NO. 19-2673**

C. ID 19-2680 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through Tarrant County, Bid Number 2019-064, for the repair, replacement, and the installation of new Guard Fence (guardrails); providing for expenditures of funds therefor; and providing an effective date (File 7176 - awarded to Vann/Elli, Inc., in the two (2) year not-to-exceed amount of $100,000).
**ASSIGNED ORDINANCE NO. 19-2680**

D. ID 19-2681 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 TXMAS Cooperative Purchasing Network Contract Number TXMAS-18-00CORP12 for managing live online vehicle and equipment auctions for disposal of City of Denton fleet assets and Police Department impound vehicles; providing for the expenditure of funds therefor; and providing an effective date (File 7212 - awarded to IronPlanet Inc. dba GovPlanet, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year).
**ASSIGNED ORDINANCE NO. 19-2681**

E. ID 19-2682 Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 19-2196, specifically the awarded amount of the services agreement 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; providing an effective date (File 7133).
**ASSIGNED ORDINANCE NO. 19-2682**

F. ID 19-2684 Consider approval of the minutes of October 22, 2019.
**APPROVED AS CORRECTED**

- **Item 3 - Gas well safety and possible gas well ordinance inclusions (Briggs/Armintor)**
  - **Council consensus was given to schedule a future work session with no previous decisions or areas discussed to be part of the upcoming presentation.**

G. ID 19-2685 Consider adoption of an ordinance of the City of Denton ("City") authorizing the Mayor to act on the City's behalf in executing an amendment to the Joint Operating Agreement (the "JOA") by and between, and among, Texas Municipal Power Agency (the "Agency") and the cities of Bryan, Denton, Garland, and Greenville (the "Parties"); and, providing an effective date.
**ASSIGNED ORDINANCE NO. 19-2685**

H. ID 19-2586 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an Interlocal Cooperation Agreement for conducting a traffic study to determine the impacts of a potential closure of a portion of Bell Avenue between the City of Denton and Texas Woman's University, regarding the City's request for reimbursement of a portion of the cost of performing the study that are specified in the agreement: authorizing the expenditure of funds thereof; and providing an effective date.
**ASSIGNED ORDINANCE NO. 19-2586**

I. ID 19-2735 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving an agreement between the City and the Electric Reliability Council of Texas, Inc., a Texas Non-Profit Corporation ("ERCOT") that allows the City to provide Black Start Services to ERCOT; authorizing the expenditure of funds and providing for the receipt of funds from ERCOT; providing an effective date
**ASSIGNED ORDINANCE NO. 19-2735**

## 2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 19-2176 Consider adoption of an ordinance of the City of Denton authorizing the execution of a contract of sale between the City of Denton, as buyer, and Pia Kornu, Kimbell Kornu, and Roger Kornu, as trustees for the Pia Kornu 2019 living trust, and Wen Tsei, individually, as sellers, for the purchase of a 71.34 acre tract of land, more or less, being situated in the M. Forrest Survey, abstract no. 0417, located in the City of Denton, Denton County, Texas, and on the south side of Mills Road, west of Trinity Road and north of East McKinney Street, for the purchase price of two million three hundred fifty-four thousand two hundred twenty dollars and no/00 ($2,354,220.00); authorizing the expenditure of funds therefor; providing for severability; and providing an effective date.
**ASSIGNED ORDINANCE NO. 19-2176**

The item was presented and discussion followed.

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

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

B. ID 19-2678 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 Archer Western Construction, LLC, for the construction of Lake Lewisville Water Treatment Plant (LLWTP) Phase II Improvements; providing for the expenditure of funds therefor; and providing an effective date (IFB 7138 - awarded to Archer Western Construction, LLC, in the not-to-exceed amount of $15,588,880).
**ASSIGNED ORDINANCE NO. 19-2678**

The item was presented and discussion followed.

Mayor Pro Tem Hudspeth 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

C. ID 19-2679 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 Links Construction, LLC, for the construction of a new Fire Station #8, located at 3131 Colorado Boulevard; providing for the expenditure of funds therefor; and providing an effective date (RFP 7140 - awarded to Links Construction, LLC, in the not-to-exceed amount of $4,188,822.30).
**ASSIGNED ORDINANCE NO. 19-2679**

Council Member Briggs had a conflict of interest and left the Work Session Room.

The item was presented and no discussion followed.

Council Member Armintor moved to approve the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

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

D. ID 19-2515 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Library Board and Zoning Board of Adjustment.

The item was not presented or discussed.

Mayor Pro Tem Hudspeth moved 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 |
|---|---|---|---|---|---|---|---|
| Library Board | 5 | Armintor | Sam | Alphonse | N/A | UNEXPIRED September 1, 2019 through August 31, 2021 | New |
| Zoning Board of Adjustment | 1 | Hudspeth | Michael | Redwine | N/A | UNEXPIRED September 1, 2019 through August 31, 2021 | New |

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

## 3. 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 8:50 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

ZOLAINA R. PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: December 3, 2019