

CITY OF DENTON CITY COUNCIL MINUTES

January 5, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, January 5, 2021, at 3:03 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

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

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer participated in the work session, and special meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

Citizen comments received are noted in Exhibit A.

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

- Clarification was requested on the following items:
 - Mayor Pro Tem Davis: Item 3.K (20-2558)
 - Council Member Meltzer: Item 3.K (20-2558) and 3.I (20-2547)
 - Council Member Armintor: Item 3.J (20-2555), 3.P (20-2577) and 3.Q (20-2578)
- The following item(s) were pulled for Individual Consideration:
 - Mayor Pro Tem Davis: Item 3.A (20-2576), 3.T (20-2494), and 3.W (20-2542)
 - Council Member Armintor: Item 3.K (20-2558)

3. Work Session Reports

- A. ID 20-2505 Receive a report, hold a discussion, and give staff direction regarding the potential sale of Texas Municipal Power Agency's ("Agency") Gibbons Creek Steam Electric Station and related assets in Grimes County, Texas including a review of the economics of the sale, the key provisions of the proposed Asset Purchase Agreement (APA) and the risks associated therewith.

The item was presented and discussion followed.

Following discussion, City Council consensus was for staff to follow up with buyer on their economic interest and the proposed land use which could be provided in the Friday Report. Staff confirmed the request.

- B. ID 20-2252 Receive a report, hold a discussion, and give staff direction regarding a legislative update and program for the 87th Session of the Texas Legislature.

The item was presented and discussion followed.

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

- C. ID 21-002 Receive a report, hold a discussion, and give staff direction on pending City Council requests for information for:
(1) Discussion on the electronic "blue card" agenda item comment form to be revised to request people's email addresses.

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 21-002. Discussion on the electronic "blue card" agenda item comment form to be revised to request people's email addresses.
 - Consensus to schedule a work session to provide further discussion.

The work session ended at 4:38 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:38 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 20-2544 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys and discuss status, strategy, and potential resolution of litigation in Cause No. 19-10653-442, styled "Stonetown Country View, LLC v. City of Denton, Texas and Board of Adjustment for City of Denton, Texas" pending in the 442nd Judicial District Court, Denton County, Texas; where discussion of these legal matters in an open meeting 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 otherwise compromise the City's legal position in pending litigation.

DELIBERATED

The closed meeting started at 4:58 p.m. and ended at 5:26 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, January 5, 2021, at 6:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

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

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer participated in the work session, and special meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag and B. Texas Flag

2. PRESENTATION FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

- a. Jonathan King, 2916 Frontier Drive, regarding upcoming ADU minimum square footage requirements.

PRESENTED

- b. Brandi Price, 2424 West Oak Street, regarding Recycling issues.

PRESENTED

- c. Stanton Brasher, 315 N Crawford Street, regarding ways to decriminalize small amounts cannabis for personal use in the City of Denton.

PRESENTED

2) Additional Citizen Reports (Open Microphone)

None

3. CONSENT AGENDA

The Consent Agenda consisted of Items 3.A - 3.X. During the Work Session held earlier in the day, Item 3.A (20-2576), 3.T ((20-2494) and 3.W (20-2542) were pulled for Individual Consideration by Mayor Pro Tem Davis and Item 3.K (20-2558) was pulled for Individual Consideration by Council Member Armintor.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 3.B-3.J, 3.L-3.S, 3.U, 3.V, and 3.X. Motion seconded by Mayor Pro Tem Davis. Motion carried.

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

NAYS (0): None

- B. ID 20-2363 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and deliver an Agreement for the Furnishing and Installing of Traffic Signal Equipment by a Municipality, between the City of Denton and the Texas Department of Transportation, regarding Denton's reimbursement total of \$57,031.00 for furnishing traffic signal equipment for the intersections of IH 35E at Teasley Lane, E. McKinney Street at Woodrow Lane, and E. McKinney Street at Mockingbird Lane; authorizing the reimbursement of funds thereof; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2363

- C. ID 20-2571 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a service agreement with Giving HOPE, Inc., providing for Street Outreach program services in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor in an amount not to exceed \$64,600.00; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2571

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registration(s) is noted in Exhibit A.

- D. ID 20-2430 Consider approval of a resolution revising Administrative Policy 403.07 "Debt Service Management" and providing for an effective date.

ASSIGNED ORDINANCE NO. 20-2430

- E. ID 20-2431 Consider approval of a resolution of the City Council of the City of Denton authorizing and designating representatives of the City to act as custodian of the investment of public funds in the Texas Local Government Investment Pool ("TexPool"); delegating authority to invest funds and act as custodian of investments purchased with local investment funds to TexPool; authorizing the Mayor to execute a resolution authorizing participant in the TexPool investment pools and designating authorized representatives; providing for a repealer; and providing for an effective date.

ASSIGNED RESOLUTION NO. 20-2431

- F. ID 20-2417 Consider approval of a resolution by the City of Denton authorizing the city manager to apply for and accept the 2020 UASI - City of Denton - Specialized Regional Response Teams Sustainment (Grant no. 3421003) in the amount of \$144,137.31 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of November 1, 2020 through October 31, 2021; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-2417

- G. ID 20-2418 Consider approval of a resolution by the City of Denton authorizing the city manager to apply for and accept the 2020 SHSP - City of Denton - EOD X-RAY EQUIPMENT ENHANCEMENT GRANT (grant no. 4001601) in the amount of \$46,500 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of November 1, 2020 through October 31, 2021; and providing an effective date.

ASSIGNED RESOLUTION NO. 20-2418

- H. ID 21-010 Consider adoption of an ordinance of the City of Denton, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 20-2235, providing for a savings clause and an effective date.

ASSIGNED ORDINANCE NO. 21-010

- I. ID 20-2547 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to accept the Denton Benefit League Grant in the amount of \$7,307.71, for the period of December 1, 2020 through July 1, 2021; authorizing the City Manager to carry out all duties of the City pursuant to the grant; providing for the expenditure of funds; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2547

- J. ID 20-2555 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 Sunbelt Pools, Inc., through the Buy Board Cooperative Purchasing Network Contract # 613-20, for the supplies, equipment, and chemicals for all aquatic facilities - Water Works Park, the Natatorium, the Civic Center Pools, and the Carl Young Jr. Splash Pad for the Parks and Recreation Department to be stocked in the Warehouse; providing for the expenditure of funds therefor; and providing an effective date (File 7290 - awarded to Sunbelt Pools, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$480,000.00).

ASSIGNED ORDINANCE NO. 20-2555

- L. ID 20-2559 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 Professional Services Agreement with Gallagher Bassett Services, Inc., for third party administration services to manage workers' compensation claims for the employee injuries under the City's self-funded workers' compensation program as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (File 7553 - Professional Services Agreement for third party administration services awarded to Gallagher Bassett Services, Inc., in the five (5) year not-to-exceed amount of \$770,000.00).

ASSIGNED ORDINANCE NO. 20-2559

- M. ID 20-2560 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 with Angel Armor, LLC, through the City of Grand Prairie Contract Number #19112, for the purchase of ballistic vests for the Denton Police Department; providing for the expenditure of funds therefor; and providing an effective date (File 7570 - awarded to Angel Armor, LLC, in the not-to-exceed amount of \$254,800.00).

ASSIGNED ORDINANCE NO. 20-2560

- N. ID 20-2561 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager and the Purchasing Agent for the purchase of excess workers' compensation insurance coverage for the City of Denton, and authorizing the expenditure of additional funds for such purpose, through the City's sole broker of record, Lockton Companies, LLC,; and providing an effective date (File 7594 - awarded to Midwest Employers Casualty Company for a three (3) year not-to-exceed amount of \$830,170.00).

ASSIGNED ORDINANCE NO. 20-2561

- O. ID 20-2562 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager and the Purchasing Agent for the purchase of excess liability insurance coverage for the City of Denton, and authorizing the expenditure of additional funds for such purpose, through the City's sole broker of record, Lockton Companies, LLC,; and providing an effective date (File 7595 - awarded to Argo Group International Holdings Ltd. for a three (3) year not-to-exceed amount of \$906,981.00).

ASSIGNED ORDINANCE NO. 20-2562

- P. ID 20-2577 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on September 18, 2018, in the not-to-exceed amount of \$239,850.00; said first amendment to continue to provide an Americans with Disabilities (ADA) Act Compliance Review and Transition Plan; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-033 - providing for an additional first amendment expenditure amount not-to-exceed \$338,000.00, with the total contract amount not-to-exceed \$577,850.00).

ASSIGNED ORDINANCE NO. 20-2577

- Q. ID 20-2578 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 Matrix Design Group, Inc., to provide professional services for the preparation of a Comprehensive Plan Evaluation Report and to update the Comprehensive Plan for the Development Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7416 - awarded to Matrix Design Group, Inc., in the not-to-exceed amount of \$91,920.00).

ASSIGNED ORDINANCE NO. 20-2578

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registration(s) is noted in Exhibit A.

- R. ID 21-013 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 Professional Services Agreement with Focused Advocacy LLC, to assist the City of Denton in advancing its state legislative program for Line 2 - Fee for Denton Municipal Electric Consulting; providing for the expenditure of funds therefor; and providing an effective date (RFP 7422 - awarded to Focused Advocacy LLC, for two (2) years in the amount of \$152,334.00, with the option for two (2) additional two (2) year extensions, for a total of six (6) years in a total not-to-exceed amount of \$457,000.00).

ASSIGNED ORDINANCE NO. 21-013

- S. ID 21-014 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 Professional Services Agreement with Jackson Walker, LLP, to assist the City of Denton in advancing its state legislative program, assist Council and Staff in addressing proposed legislation, and make the City aware of any legislative or administrative initiatives believed to be detrimental to the interests of the City for Line 1 - Fee for General Consulting; providing

for the expenditure of funds therefor; and providing an effective date (RFP 7422 - awarded to Jackson Walker, LLP, for two (2) years in the amount of \$176,334.00, with the option for two (2) additional two (2) year extensions, for a total of six (6) years in a total not-to-exceed amount of \$529,000.00).

ASSIGNED ORDINANCE NO. 21-014

- U. ID 20-2499 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, renaming Lynbrook Drive to Basham Lane between its intersection with Briarbrook Drive and its northern terminus approximately 110 feet north of Chevy Chase Drive within Phase 1 of the Stark Farms Addition; providing for severability and an effective date.

ASSIGNED ORDINANCE NO. 20-2499

- V. ID 20-2307 Consider adoption of an ordinance authorizing the City Manager to execute a Joint Funding Agreement for Water Resource Investigations with the United States Geological Survey (USGS) related to continued support of the Hickory Creek Streamflow Station in the amount of \$4,700.00 (Agreement Number: 21SJFATX161000); authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 20-2307

- X. ID 20-2563 Consider appointments to City Council Committees.

APPROVED

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- A. ID 20-2576 Consider adoption of an ordinance of the City of Denton repealing Ordinance No. 2008-129 relating to self-fueling of aircraft at the Denton Enterprise Airport; and providing an effective date. Council Airport Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 20-2576

Pulled for Individual Consideration by Mayor Pro Tem Davis

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations. Citizen comments received are noted in Exhibit A.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Davis moved to adopt the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

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

NAYS (0): None

- K. ID 20-2558 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 Obra Ramos Construction, LLC, for the construction of the McKenna Park Improvements for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7493 - awarded to Obra Ramos Construction, LLC, in the not-to-exceed amount of \$987,833.38).

ASSIGNED ORDINANCE NO. 20-2558

Pulled for Individual Consideration by Council Member Armintor.

There were no online registrations or call-ins on the item.

The item was not presented.

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

Discussion followed.

Following the discussion, Mayor Hudspeth called the vote on the item. Motion carried.

AYES (5): Mayor Hudspeth, Mayor Pro Tem Davis and Council Members Johnson, Baker, and Ryan.

NAYS (2): Council Member Armintor and Meltzer

- T. ID 20-2494 Consider adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, renaming Karina Street between its intersections with Loop 288 and Kimberly Drive to Courthouse Drive; providing for severability and an effective date.

ASSIGNED ORDINANCE NO. 20-2494

Pulled for Individual Consideration by Mayor Pro Tem Davis.

There were no online registrations or call-ins on the item.

Mayor Pro Tem Davis had a conflict of interest on the item and was removed from the video conference for this item, thereby not participating on its deliberation.

The item was not presented and no discussion followed.

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

AYES (6): Mayor Hudspeth and Council Members Johnson, Baker, Ryan, Armintor, and Meltzer

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Davis

- W. ID 20-2542 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Wastewater Main Cost Participation Agreement with Denton Independent School District ("DISD") for the City's participation in the oversizing of wastewater main in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefore; and, providing an effective date (in the not-to-exceed amount of \$162,660.00). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 20-2542

Pulled for Individual Consideration by Mayor Pro Tem Davis.

There were no online registrations. There were no online registrations or call-ins on the item.

The item was not presented and no discussion followed.

Mayor Pro Tem Davis had a conflict of interest on the item and was removed from the video conference for this item, thereby not participating on its deliberation.

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

AYES (6): Mayor Hudspeth, and Council Members Johnson, Baker, Ryan, Armintor, and Meltzer

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Davis

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-001 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, suspending the January 23, 2021 effective date of CoServ Gas, Ltd.'s requested rate increase to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities in the CoServ Gas, Ltd. service area; approving the hiring of legal counsel and consultants to represent City in all matters associated with CoServ Gas, Ltd.'s application to increase rates and appeals thereof; authorizing intervention in docket OS-20-00005136 at the Railroad Commission; authorizing reimbursement of City's rate case costs and expenses; finding that the meeting at which this Ordinance was passed was open to the public and that public notice was given as required; authorizing and requiring issuance of a copy of this Ordinance to CoServ Gas, Ltd. and legal counsel; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-001

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Davis moved to adopt the item as presented. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

- B. ID 21-040 Consider approval of a resolution of the City of Denton adopting the City of Denton's 2021 State Legislative Program for the 87th Texas Legislature; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-040

There were no online registrations or call-ins on the item.

The item was not presented or discussed.

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

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

NAYS (0): None

- C. ID 20-2557 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 Eurovia Atlantic Coast LLC, dba Sunmount Paving Company as the primary vendor and Jagoe-Public Company as the secondary vendor for the supply and installation of Hot Mix Asphalt Concrete for the Streets Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7486 - awarded to Eurovia Atlantic Coast LLC, dba Sunmount Paving Company and Jagoe-Public Company, for one (1) year, with the option for three (3) additional one (1) year extensions, in the total four (4) year not-to-exceed amount of \$12,000,000.00).

ASSIGNED ORDINANCE NO. 20-2557

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Ryan moved to adopt the item as presented. Motion seconded by Council Member Johnson. Motion carried.

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

NAYS (0): None

- D. ID 20-2362 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a park development agreement between the City of Denton and Forestar (USA) Real Estate Group Inc. for the dedication of park land at the Country Club Terrace phase 1 and phase 2 development; authorizing acceptance of land; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2362

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Ryan moved to adopt the item as presented. Motion seconded by Council Member Baker. Motion carried.

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

NAYS (0): None

- E. ID 20-2575 Consider approval of a resolution of the City of Denton, Texas creating a Sustainability Framework Advisory Committee; establishing a charge for the committee; and, providing an effective date.

ASSIGNED RESOLUTION NO. 20-2575

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Armintor moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Davis. Motion carried.

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

NAYS (0): None

- F. S20-0011 Consider adoption of an ordinance of the City of Denton extending the approval period for a Specific Use Permit for a manufactured housing park originally approved via Ordinance S17-0008d for an approximately 126.1-acre property generally located north of East McKinney Street and west of South Trinity Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000 for violations thereof; providing for severability; and establishing an effective date. (S20-0011, Woodlands of McKinney Street, Hayley Zagurski)

ASSIGNED ORDINANCE NO. S20-0011

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Armintor moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Davis. Motion carried.

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

NAYS (0): None

The meeting was recessed for a short break at 7:59 p.m. and reconvened at 8:11 p.m.

5. PUBLIC HEARINGS

Note: Mayor Hudspeth stated Public Hearing Item 5.B (Z20-0009a) would be heard before Item 5.A. (AESAZ20-0006b).

- B. Z20-0009a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Highway Corridor (HC) District to Light Industrial (LI) District on approximately 10.47 acres of land and a change in zoning district and use classification from Heavy Industrial (HI) District to LI District on approximately 13.09 acres of land generally located on the south side of the I-35 East Service Road, approximately 672 feet west of Sam Bass Boulevard, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [7-0] to approve the request. (Z20-0009a, Urban Logistics 35, Hayley Zagurski)

ASSIGNED ORDINANCE NO. Z20-0009a

There were no online registrations on the item.

Items 5.B (Z20-009a) and 5.A (Z20-0009a) were collectively read into the record, presented, and discussed, but voted on individually.

The public hearing was opened and citizen comments received are noted in Exhibit A. With no other callers on queue, the public hearing was closed.

Discussion continued.

Following discussion, Mayor Pro Tem Davis moved to adopt the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

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

NAYS (0): None

- A. AESA20-0006b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving an Alternative Environmentally Sensitive Area Plan for a site generally located on the south side of the I-35 East Service Road, approximately 672 feet west of Sam Bass Boulevard, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official Environmentally Sensitive Areas map; authorizing the acceptance and execution of a conservation easement from Acme Brick Company; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AESA20-0006, Urban Logistics 35, Christi Upton)
POSTPONED TO FEBRUARY 16, 2021

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registration(s) is noted in Exhibit A.

Items 5.B (Z20-009a) and 5.A (Z20-0009a) were collectively read into the record, presented, and discussed, but voted on individually.

The public hearing was opened and citizen comments received are noted in Exhibit A. With no other callers on queue, the public hearing was closed.

Discussion continued.

Council Member Meltzer moved to adopt the item with staff conditions, and that an acceptable plan be produced to mitigate the removal of trees which adding to the tree buffer adjacent to the protected population. Motion seconded by Council Member Armintor.

Discussion continued.

Following discussion, Mayor Pro Tem Davis moved to postpone the item to February 16, 2021. Motion seconded by Council Member Armintor. Motion carried.

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

NAYS (0): None

NOTE: Per Roberts Rules of Order, the motion by Mayor Pro Tem Davis, seconded by Council Member Armintor to postpone took precedence over Council Member Meltzer's original motion to adopt the item with staff conditions, and that an acceptable plan be produced to mitigate the removal of trees which adding to the tree buffer adjacent to the protected population, seconded by Council Member Armintor.

- C. Z20-0011b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Planned Development (PD) District to Residential 1 (R1) District on approximately 4.23 acres of land generally located on the east side of State School Road, approximately 150 feet southeast of Winston Drive, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z20-0011, State School Road Estate, Karina Maldonado) THE REQUEST WAS RE-NOTICED FOR THE JANUARY 12, 2021 CITY COUNCIL MEETING.

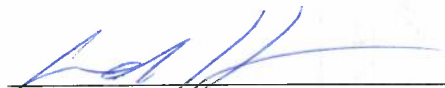
POSTPONED TO JANUARY 12, 2021

The item was postponed as noted above.

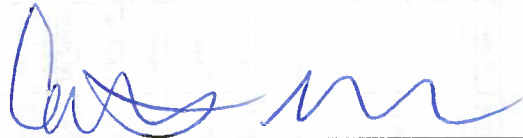
6. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned at 10:04 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



CATHY WELBORN
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: January 26, 2021

January 5, 2021 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
David	Laney	2501 Laney Circle	Denton	S20-0011	Support	Online	This proposed development is owned by the Holigan family whom I have known for years and they build exemplary residential communities. Their request for extension of this SUP should certainly be granted by Denton City Council. Delays due to the Covid pandemic are unavoidable.
Brian	Beck	124 Mill Pond Road	Denton	AESA20-0006b	Opposed	Online	The development associated with AESA20-0006b and Z20-0009a is a reasonable product and I support it. HOWEVER the AESA as proposed artificially pits the Riparian ESA against the Upland Habitat ESA. INSTEAD, I recommend you approve expanding the existing pond as well as the proposed new western-most pond and leave the grove to provide much need green/wildlife corridors to Roselawn, as well as visual screening and dust/air/water filtration, up to the limits of the well-head and as needed northward.
Brian	Beck	124 Mill Pond Road	Denton	AESA20-0006b	N/A	Telephone	Stated the plan is a good plan, but that you shouldn't rob Peter to pay Paul. Provided input on ways to save the trees on the property.
Aimee	Bissett (Applicant)	100 West Oak Street	Denton	AESA20-0006b	N/A	Telephone	Provided a joint presentation for agenda items Z20-0009a and AESA20-0006b and an overview of the project.
Aimee	Bissett (Applicant)	100 West Oak Street	Denton	Z20-0009a	N/A	Telephone	Provided a joint presentation for agenda items Z20-0009a and AESA20-0006b and an overview of the project.
Jenifer	Carpenter	3006 Manor N Court	Denton	AESA20-0006b	N/A	Telephone	Those trees provide a good absorption of pollutants from the brick plant and help with the air quality for nearby residents.
Tony	Featherstone	512 West Hickory Street Ste 114	Denton	20-2576	N/A	Telephone	Stated the amendment was in good direction, but feels that there was not enough time for airport user input.
Dan	Gallagher (Applicant)	13455 Noel Road	Dallas	AESA20-0006b	N/A	Telephone	The Engineer for the project provided clarification on the project.
Dan	Gallagher (Applicant)	13455 Noel Road	Dallas	Z20-0009a	N/A	Telephone	The Engineer for the project provided clarification on the project.
Jonathan	King	2916 Frontier Drive	Denton	20-2576	Opposed	Telephone	I am commenting on 20-2538 for Jonathan King minimum square footage ADU requirement. I want to reject the proposed amendment of 400 sf minimum for ADUs because many land owners want to be able to build "tiny homes" or in my case "container homes" which are pre-finished modern pods that look amazing, but are only 320 square feet. We pay taxes to the city to be able to live peacefully on our own land and I want to say it adversely affects the tax-paying citizens to make a min ADU sf requirement.
Tony	Metraux	2019 Mercedes Road	Denton	20-2571	Support	Online	No Comment.
Jason	Nunley	612 Summerset Drive	Flower Mound	AESA20-0006b	N/A	Telephone	Provided insight of future plans of the site.
Jason	Nunley	612 Summerset Drive	Flower Mound	Z20-0009a	N/A	Telephone	Provided insight of future plans of the site.
Eric	Pruett	2111 Westwood Drive	Denton	20-2578	Support	Online	I'm excited to see Matrix is suggesting concrete metrics to track our 2030 plan implementation, and strengths in public outreach and greenway preservation for public use. With comments made by management that P&Z and Council has not followed the existing plan, I'm hopeful this will be an opportunity to gain alignment on the important aspects so we are unified on future implementation. I am willing and eager to participate in any way helpful and appropriate during this process.
Clay	Thurmond	1524 Snyder Street	Denton	AESA20-0006b	N/A	Telephone	Opposed as the project as proposed due to the loss of continuous canopy. Provided ways to save the canopy. Pollution issues.

NOTE: Comments for those citizens addressing the City Council are an abbreviated summary. Information contained within this exhibit includes only commentary for Open Microphone, Consent, Individual Consideration and Public Hearing Items.