

CITY OF DENTON CITY COUNCIL MINUTES

January 12, 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 12, 2021, at 3:01 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

None

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

- Council Member Meltzer: Item 1.P (20-2579)
- The following item(s) was/were pulled for Individual Consideration:
 - Council Members Armintor and Meltzer: Item 1.B (20-2564)

3. Work Session Reports

- A. ID 20-1978 Receive a report, hold a discussion, and give staff direction regarding an internal audit of Meter Reading & Billing: Electric & Water Utilities.

The item was presented and discussion followed.

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

- B. ID 20-2094 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
- (1) Have the City to audio record and archive as confidential all closed Council and board/committee meetings

The item was presented and discussion followed.

Following discussion, results were as follows:

- Item 20-2094 (1): Have the City to audio record and archive as confidential all closed Council and board/committee meetings
 - Consensus was to move forward with a work session.

The work session ended at 3:30 p.m.

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, January 12, 2020, at 3:30 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. CONSENT AGENDA

The Consent Agenda consisted of Items 1.A - P. During the Work Session held earlier in the day, Item 1.B (20-2564) was pulled for Individual Consideration by Council Members Armintor and Meltzer.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of Items 1.A and 1.C - P. 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

- A. ID 20-2162 Consider approval of the minutes of December 1, December 7, and December 17, 2020.

APPROVED

- C. ID 20-2565 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation ("City"), authorizing the City Manager, or his designee, to execute a memorandum of understanding regarding electrical distribution switching procedures with Texas Woman's University, a Texas higher education institution ("TWU"), to ensure electric system reliability and safety for parties by establishing electric distribution system switching procedures; and, providing an effective date.

ASSIGNED ORDINANCE NO. 20-2565

- D. ID 20-2450 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 Zimmerer Kubota & Equipment, Inc., through the Buy Board Cooperative Purchasing Network Contract # 597-19, for the purchase of one (1) Model KX080 and one (1) Model KX040 Kubota excavator for the Streets and Water Distribution Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7539 - awarded to Zimmerer Kubota & Equipment, Inc., in the not-to-exceed amount of \$145,633.83). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 20-2450

- E. ID 21-015 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C., amending the contract approved by City Council on July 21, 2015, in the not-to-exceed amount of \$427,368.00; amended by Amendments 1, 2, and 3 approved by City Council; said fourth amendment to provide additional engineering services and permitting support for the Hickory Creek Detention Facility and the Hickory Creek Lift Station project; providing for the expenditure of funds therefor; and providing an effective date (File 5768 - providing for an additional fourth amendment expenditure amount not-to-exceed \$144,150.00, with the total contract amount not-to-exceed \$1,346,964.00).

ASSIGNED ORDINANCE NO. 21-015

- F. ID 21-017 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to the Professional Services Agreement between the City of Denton and Halff Associates, Inc., amending the contract approved by City Council on November 6, 2018, in the not-to-exceed amount of \$837,900.00; Amendments 1 and 2 were approved by Purchasing staff; said third amendment to provide additional surveying and engineering services is necessary for the design of the water mains, sanitary sewers, storm sewers, and culverts in Elm Street and Locust Street, and a drainage study of North Pecan Creek and Pecan Creek; providing for the expenditure of funds therefor; and providing an effective date (File 6590-041 - providing for an additional third amendment expenditure amount not-to-exceed \$177,840.00, with the total contract amount not-to-exceed \$1,056,040.00).

ASSIGNED ORDINANCE NO. 21-017

- G. ID 21-018 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 January 14, 2020, in the not-to-exceed amount of \$1,398,600.00; said first amendment to provide additional design engineer services, permitting services, and construction administration services in support of the Northwest Booster Pump Station and Water Transmission Main project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-081 - providing for an additional first amendment expenditure amount not-to-exceed \$126,300.00, with the total contract amount not-to-exceed \$1,524,900.00).

ASSIGNED ORDINANCE NO. 21-018

- H. ID 21-019 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 January 14, 2020, in the not-to-exceed amount of \$922,800.00; said first amendment to provide additional utility conflict analysis, surveying, easement acquisition, design, bidding, and construction administration services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35E Right-of-Way; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-084 - providing for an additional first amendment expenditure amount not-to-exceed \$165,000.00, with the total contract amount not-to-exceed \$1,087,800.00).

ASSIGNED ORDINANCE NO. 21-019

- I. ID 21-020 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 contract between the City of Denton and USIC Locating Services, LLC, amending the contract approved by City Council on June 19, 2018, in the not-to-exceed amount of \$1,200,000.00; amended by

Amendments 1-2 approved by Purchasing; said third amendment to continue to supply underground utility locating services; providing for the expenditure of funds therefor; and providing an effective date (File 6736 - providing for an additional third amendment expenditure amount not-to-exceed \$300,000.00, with the total contract amount not-to-exceed \$1,500,000.00).

ASSIGNED ORDINANCE NO. 21-020

- J. ID 21-021 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 vendors for the rental of heavy trucks for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 7464 - awarded to Big Truck Rental, LLC, Herc Rentals, Inc., Industrial Power, LLC, and Rush Truck Leasing, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$450,000.00).

ASSIGNED ORDINANCE NO. 21-021

- K. ID 21-022 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 Roll-Offs USA, Inc., for the purchase of steel refuse and recycling containers for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7503 - awarded to Roll-Offs USA, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,438,173.00).

ASSIGNED ORDINANCE NO. 21-022

- L. ID 21-023 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 Houston Mac Haik Dodge Chrysler Jeep Ram LTD, Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program Contract Number AM10-20, for one (1) new Frazer Medic and two (2) remounted Frazer medics for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7557 - awarded to Houston Mac Haik Dodge Chrysler Jeep Ram LTD, in the not-to-exceed amount of \$632,824.00).

ASSIGNED ORDINANCE NO. 21-023

- M. ID 21-024 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 Siddons-Martin Emergency Group, LLC, through the Buy Board Cooperative Purchasing Network Contract #571-18, for one (1) Pierce Custom Enforcer Pumper Engine for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7558 - awarded to Siddons-Martin Emergency Group, LLC, in the not-to-exceed amount of \$764,947.00).

ASSIGNED ORDINANCE NO. 21-024

- N. ID 21-025 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 Caterpillar, Inc. dba Holt CAT, through the Sourcewell Purchasing Network Contract Number 032119, for the purchase of one (1) Caterpillar model D9 Dozer for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7585 - awarded to Caterpillar, Inc. dba Holt CAT, in the not-to-exceed amount of \$1,285,661.68).

ASSIGNED ORDINANCE NO. 21-025

- O. ID 21-026 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 SHI Government Solutions, Inc., through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract No. DIR-TSO-3984 for the procurement of the NEOGOV Full Suite for the Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (File 7596 - awarded to SHI Government Solutions, 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 \$883,908.50).

ASSIGNED ORDINANCE NO. 21-026

- P. ID 20-2579 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 John Hoggard dba Utility Planning Network (UPN), for 311/CRM Consulting Services for Customer Service and Public Affairs as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7485 - Professional Services Agreement for consultant services awarded to John Hoggard dba Utility Planning Network (UPN), for one (1) year, with the option for one (1) additional one (1) year extension, in the total two (2) year not-to-exceed amount of \$200,000.00).

ASSIGNED ORDINANCE NO. 20-2579

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 20-2564 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation ("City"), authorizing the City Manager, or his designee, to execute a memorandum of understanding regarding electrical distribution switching procedures with University of North Texas, a Texas higher education institution ("UNT"), to ensure electric system reliability and safety for parties by establishing electric distribution system switching procedures; and, providing an effective date.

ASSIGNED ORDINANCE NO. 20-2564

Pulled for Individual Consideration by Council Members Armintor and Meltzer.

Council Members Armintor and Meltzer had a conflict of interest on the item and were 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 Pro Tem Davis. Motion carried.

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

NAYS (0): None

ABSTAIN (2): Council Members Armintor and Meltzer

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-2276 Consider adoption of an ordinance establishing the City of Denton Utility system extendable commercial paper financing program and authorizing Utility system revenue extendable commercial paper notes, series B; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2276

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

Items 2.A (20-2276) and 2.B (21-070) were collectively read into the record, presented, and discussed, but voted on individually.

Following discussion, Council Member Meltzer 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

- B. ID 21-070 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$100,000,000 in principal amount of "City of Denton Utility System Revenue Refunding Bonds, Series 2021"; authorizing the issuance of the bonds; delegating the authority to certain city officials to execute certain documents relating to the sale of the bonds; approving and authorizing instruments and procedures relating to said bonds; enacting other provisions relating to the subject; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-070

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

Items 2.A (20-2276) and 2.B (21-070) were collectively read into the record, presented, and discussed, but voted on individually.

Following discussion, Council Member Meltzer 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

- C. ID 20-2424 Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of the Electric Utility (\$42,538,108), Solid Waste (\$3,000,000), Water (\$23,647,184), Wastewater (\$26,144,574), and General Government (\$72,608,678) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$167,938,544; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2424

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 Baker. Motion carried.

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

- D. ID 21-049 Consider approval of a resolution by the City of Denton authorizing the City Manager or his designee to apply for funding under the Denton County Transportation Reinvestment Program (TRiP), providing financial assistance to member cities for transit-supportive projects, from the Denton County Transportation Authority (DCTA) in the amount of \$2,517,997 for the funding period of October 1, 2020 through September 30, 2021; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-049

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

The item was presented and discussion followed.

Following discussion, Council Member Meltzer 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

- E. ID 20-2549 Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

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

The item was presented and discussion followed.

Following discussion, Mayor Hudspeth opened the nominations to select a committee to recommend appointees.

Mayor Pro Tem Davis nominated Mayor Hudspeth to serve on the nominating committee.

Council Member Ryan nominated Mayor Pro Tem Davis to serve on the nominating committee.

Following discussion, Council Member Ryan moved to appoint Mayor Hudspeth and Mayor Pro Tem Davis to serve on the nominating committee to recommend appointees to serve on the Economic Development Partnership Board. 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

The meeting was recessed at 4:19 p.m. and was reconvened at 6:30 p.m. to continue with the Public Hearings as posted.

3. PUBLIC HEARINGS

- A. Z20-0011d 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. The Planning and Zoning Commission voted [7-0] to approve the request. (Z20-0011, State School Road Estates, Karina Maldonado)

ASSIGNED ORDINANCE NO. Z20-0011d

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

The item was presented and discussion followed.

The public hearing was opened and with no callers on queue, the public hearing was closed.

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. DCA20-0005a Hold a public hearing and consider adoption of an ordinance of the City of Denton amending the Denton Development Code Subchapter 3, "Zoning Districts," related to the minimum side yard setback for the Residential 3 (R3) Zoning District; 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 (6-1) to recommend approval. (DCA20-0005a, Side Yard Setbacks, Julie Wyatt)

ASSIGNED ORDINANCE NO. DCA20-0005a

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.

The item was presented and discussion followed.

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.

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

Following further discussion, Council Member Meltzer offered a friendly amendment to set the minimum side yard setback to six (6) feet. The friendly amendment was not accepted by Mayor Hudspeth.

Mayor Hudspeth called the vote on his original motion, seconded by Council Member Ryan, to adopt the item as presented, . Motion carried.


AYES (6): Mayor Hudspeth, Mayor Pro Tem Davis and Council Members Johnson, Baker, Ryan, and Meltzer

NAYS (1): Council Member Armintor


4. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned 7:42 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



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

MINUTES APPROVED ON: January 26, 2021

January 12, 2021 City Council Special Called Meeting - EXHIBIT A

Speaker Commentaries/Registrations Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Bridget	Marshall	3559 Pine Trail	Denton	DCA20-0005a	Opposition	Online	Please deny the proposed 5' setback. Currently variances can be applied for through the Zoning Board of Adjustment to allow for changes. The presentation doesn't address new developments, only older in-town homes. A smaller setback will mostly benefit subdivision/master-planned community developers since individual homeowners can apply for a variance. If property owners want to build "larger or distinctive structures" they should buy a bigger lot. A R3 lot with a 5' setback is not low density.
Eric	Puett	2111 Westwood Drive	Denton	DCA20-0005a	Support	Telephone	R3 is the most diverse single family zoning district in Denton; neighbors don't want to change their neighbors; is in favor of the amendment; many of the most cherished neighborhoods have been in the R3 districts; there is no large developers asking for R3; people are afraid that neighbors will build closer; do the fair thing by restoring property rights to where they were.
Doug	Shanahan	928 Pioneer Circle	Argyle	DCA20-0005a	Support	Telephone	In favor of amendment; purchased a home in Denton; loves the idea of living in downtown. Tried to design a 2300 sq. foot home; and when presented floor plans was advised that the zoning had changed and the side yard setback was changed; big issue which cost them money.
Am	Woodbridge	3596 Hartlee Field Road	Denton	DCA20-0005a	Opposition	Online	Please deny this reduction in R3 setbacks per my letter sent separately, thank you.

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.