

CITY OF DENTON CITY COUNCIL MINUTES
January 26, 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 26, 2021, at 2:02 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.

- Clarification was requested on the following items:
 - None
- The following items were pulled for Individual Consideration:
 - Council Member Meltzer: Items 1.E (21-092) and 1.G (21-141)
 - Council Member Armintor: Items 1.B (21-009) and 1.G (21-141)

3. Work Session Reports

- A. ID 20-2117 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item was presented and discussion followed.

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

- B. ID 20-1668 Receive a report, hold a discussion, and give staff direction on the City's Extraterritorial Jurisdiction (ETJ) and possible updates to the Interlocal Agreement with Denton County.

Mayor Pro Tem Davis had a conflict of interest regarding the discussion pertaining to a proposed ILA with Denton County, and was removed from the video conference, thereby not participating in any deliberation where Denton County was mentioned or addressed.

The item was presented and discussion followed.

Following discussion, City Council consensus was for Staff to proceed as presented and schedule a work session/closed meeting on regulating plats within Division 1 and ensure it includes all areas with the CCN.

The work session was recessed for a short break at 4:30 p.m. and reconvened at 4:40 p.m.

- C. ID 20-2399 Receive a report, hold a discussion, and give staff direction regarding the May 1, 2021 General Election, and any runoff election if applicable, including locations, dates, and times.

The item was presented and discussion followed.

With discussions turning to the use of masks by poll workers contracted by Denton County, Mayor Hudspeth ruled the topic was outside of posting and not subject to discussion. Council Member Armintor called a point of order to allow discussion on the matter. Following inquiry, City Attorney Leal advised a procedural motion to appeal would be the proper recourse.

Council Member Armintor moved to appeal Mayor Hudspeth's decision and allow discussion of face masks at polling locations. Procedural motion seconded by Council Member Meltzer. Motion failed.

AYES (2): Council Members Armintor and Meltzer

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

Following further discussion, City Council consensus was as follows and to present findings at a future work session:

- Obtain a polling location near the University of North Texas since they had no facility available which will provide use of the facility for both early voting/election day, to be selected based on the following order:
 - Voertner's (Book Store)
 - Denton Wesley Foundation
 - Osher lifelong learning Institute @ UNT
 - Identify an additional early voting location in District 2.
 - Requirements/Steps to request more than the two (2) 12-hour days currently mandated by State law.
 - For the next election cycle [2022], research/provide the opportunity for voters to go to any desired "election day" location, the same as is done during the early voting period; with this process being separate from the "vote centers" process.
- D. ID 21-122 Receive a report, hold a discussion, and give staff direction regarding a proposed plan for the annual City Council retreat.

The item was presented and discussion followed.

Following discussion, City Council consensus was to have staff add process questions and include a review of the Texas Open Meetings Act as to the "1" Minute Pitch to the proposed agenda for the retreat.

The work session ended at 5:46 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:47 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-006 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys Under Texas Government Code, Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential disposal, exchange, sale, or acquisition of certain real property interests located in the David Hough Survey, Abstract Number 646, generally located in the 2100 block of South Mayhill Road, in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential disposal, exchange, sale, or acquisition involving the real property 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 negotiation, administrative proceeding, or potential litigation.

DELIBERATED

- B. ID 21-108 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the Municipal Judge.

DELIBERATED

The closed meeting started at 5:47 p.m. and ended at 6:40 p.m. No votes or actions were taken during the closed meeting.

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 26, 2021, at 6:47 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-G. During the Work Session held earlier in the day, Items 1.B (21-008) and 1.G (21-141) were pulled for Individual Consideration by Council Member Armintor and Items 1.E (21-092) and 1.G (21-141) were pulled for Individual Consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 1.A, 1.C, 1.D, and 1.F. 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. ID 21-101 Consider approval of the minutes of January 4, January 5, and January 12, 2021.
APPROVED

- C. ID 21-011 Consider adoption of an ordinance approving an encroachment on easement agreement between the City of Denton and the Oncor Electric Delivery Company, LLC, relating to the construction, operation, and maintenance of public facilities ("Taylor Park Boulevard" crossing including a ten (10) foot wide sidewalk crossing, four (4) by two (2) foot RCB crossing, twenty-one (21) inch RCP crossing, eighteen (18) inch RCP crossing, eight (8) inch waterline crossing, eight (8) inch sanitary sewer crossing, and a Denton Municipal Electric line bore crossing) within Oncor's Easement; authorizing the City Manager to execute the agreement; authorizing the expenditure of funds; and providing an effective date. "Cambridge Brook Oncor Encroachment Agreement - Mark Laird"
ASSIGNED ORDINANCE NO. 21-011

- D. ID 21-091 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 an Interlocal Cooperative Purchasing Agreement with the City of Midlothian, under the Texas Government Code, Section 791.001, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7590 - award an Interlocal Cooperative Purchasing Agreement with the City of Midlothian).
ASSIGNED ORDINANCE NO. 21-091

- F. ID 21-119 Consider approval of a resolution of the City Council of the City of Denton revising the City's Cash Disbursements policy; and providing an effective date.
ASSIGNED RESOLUTION NO. 21-119

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 21-009 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a 715.20 square foot Electric Utility Easement granted to the City of Denton by James H. Jones, H.M. Burgess, Billy R. Jones, and J. Dan Harvey, recorded as Instrument No. 1978-2348 in the Deed Records of Denton County, Texas; providing for severability and an effective date. (Park 7 Addition, electric easement abandonment - Mark Laird)
ASSIGNED ORDINANCE NO. 21-009
Pulled for Individual Consideration by Council Member Armintor.

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

NAYS (1): Council Member Armintor

- E. ID 21-092 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to accept the TSLAC CARES Grant Program-Cycle 2 (Grant CAR2-21007) for State Fiscal Year 2021 (Federal Award Identification #LS-246561-OLS-20) from the Texas State Library and Archives Commission through the Institute of Museum and Library Services, in the amount of \$20,929.00, for the period of April 1, 2020, through August 31, 2021; authorizing the City Manager to carry out all duties of the City pursuant to the grant; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-092

Pulled for Individual Consideration by Council Member Meltzer.

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 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

- G. ID 21-141 Consider adoption of an ordinance approving a Settlement Agreement and Release implementing the terms of the settlement in litigation styled "Stonetown Country View, LLC v. City of Denton, Texas and Board of Adjustment for City of Denton, Texas," Cause No. 19-10653-442, pending in the 442nd Judicial District Court, Denton County, Texas, as discussed in closed session; and directing the City Manager, or his designee, and the City's attorneys to effectuate as necessary and appropriate the terms of a Settlement Agreement and Release to effectuate this approval; and declaring an effective date.

ASSIGNED ORDINANCE NO. 21-141

Pulled for Individual Consideration by Council Member Armintor and Meltzer.

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

The item was presented and no discussion followed.

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

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

NAYS (2): Council Members Armintor and Meltzer

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-2507 Consider adoption of an ordinance adopted concurrently with the cities of Garland, Greenville, Bryan and Denton, approving the execution by the Texas Municipal Power Agency ("Agency") of an asset purchase agreement for the sale of the Agency's Gibbons Creek Steam Electric Station and related assets in Grimes County, Texas; approving an associated generation budget amendment; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-2507

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 Mayor Hudspeth.

Discussion continued.

Council Member Meltzer offered a friendly amendment to provide the environmental report once per year to the new buyer.

Mayor Hudspeth did not accept the friendly amendment and 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 Members Armintor and Meltzer

- B. ID 20-1898 Consider nominations and appointments to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ), including appointment of a Board Chair.

APPROVED

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 appoint the nominees as shown in Exhibit A. 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

Following discussion, Council Member Armintor moved to appoint the nominees as shown in Exhibit A. Motion seconded by Council Member Meltzer. Motion carried.

AYES (6): Mayor Hudspeth, Council Members Johnson, Baker, Ryan, Armintor, and Meltzer
NAYS (1): Mayor Pro Tem Davis

- C. ID 20-2550 Consider nominations/appointments to the City's Economic Development Partnership Board.

APPROVED

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 appoint the nominees as shown in Exhibit A. Motion seconded by Council Member Ryan. Motion carried.

AYES (5): Mayor Hudspeth, Mayor Pro Tem Davis and Council Members Johnson, Baker and Ryan
NAYS (2): Council Members Armintor and Meltzer

- D. ID 21-029 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Animal Shelter Advisory Committee, Board of Ethics, Committee on Persons with Disabilities, Community Development Advisory Committee, Health & Building Standards Commission, Human Services Advisory Committee, Library Board, Parks, Recreation & Beautification Board, Planning & Zoning Commission, Public Art Committee, Public Utilities Board, Traffic Safety Commission, and Zoning Board of Adjustment.

APPROVED

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

There was no presentation on the item, and discussion followed.


Following discussion, Council Member Armintor moved to appoint the nominees as shown in Exhibit A. 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


3. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:39 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



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

MINUTES APPROVED ON: February 9, 2021

EXHIBIT A
BOARDS & COMMISSIONS - NOMINATIONS LIST
January 26, 2021

Agenda item 2.B (ID 20-1898)

BOARD/COMMITTEE/COMMISSION	SEAT	APPOINTEE	TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	City Council Member (Unexpired Term)	Connie Baker	Unexpired term 2019-2021	New
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	City Council Member (Full Term)	Paul Meltzer	Full term 2020-2022	Reappointment
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	Business Owner or Member of Denton Chamber of Commerce (Full Term)	Ben Esaly	Full term 2020-2022	Reappointment
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	Qualified Voter (Full Term)	Eric Pruett	Full term 2020-2022	New
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	Board Chair (One Year Term)	Melissa Lenaburg	2021-2022	Reappointment
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ)	Business Owner or Member of Denton Chamber of Commerce (Unexpired Term)	Jimmy Meredith	Unexpired term 2019-2021	New

Agenda item 2.C (ID 20-2550)

BOARD/COMMITTEE/COMMISSION	SEAT	APPOINTEE	TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Economic Development Partnership Board	City Council Representative (Unexpired Term)	Gerad Hudspeth	Unexpired term 2019-2021	New
Economic Development Partnership Board	Top 20 Taxpayer Representative (Unexpired Term)	Tina Albert	Unexpired term 2019-2021	New

Agenda item 2.D (ID 21-029)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	3	Davis-3	Ed Ahrens	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Animal Shelter Advisory Committee	1	Johnson-1	Charlie Hunter	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Animal Shelter Advisory Committee	2	Baker-2	Randi Weinberg	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment Qualif. 3 - City Official
Board of Ethics	3	Davis-3	Don Cartwright	2018-2020	September 1, 2020 through August 31, 2022	Reappointment Qualif. 1 - Attorney
Committee on Persons with Disabilities	3	Davis-3	Joe Rivas	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment
Community Development Advisory Committee	3	Davis-3	Doray Hill Jr.	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment
Health & Building Standards Commission	2	Baker-2	David Mollen	2018-2020	July 1, 2020 through June 30, 2022	Reappointment Qualif. 4 - Associated w/construction, development or real estate
Human Services Advisory Committee	2	Baker-2	Gretchen Busi	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Human Services Advisory Committee	ALL-2	Baker-2	Hannah Garcia	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Library Board	3	Davis-3	Jean Greenlaw	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment
Library Board	5	Armintor-5	Vicki Byrd	N/A	UNEXPIRED September 1, 2020 through August 31, 2022	New
Parks, Recreation & Beautification	3	Davis-3	Alana Presley Taylor	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Parks, Recreation & Beautification	5	Armintor-5	George Ferrie	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Planning & Zoning Commission	3	Davis-3	Jason Cole	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Public Art Committee	3	Davis-3	Joey Liechty	N/A	UNEXPIRED September 1, 2020 through August 31, 2022	New
Public Utilities Board	3	Davis-3	Lee Riback	N/A	UNEXPIRED September 1, 2020 through August 31, 2024	New
Traffic Safety Commission	1	Johnson-1	Daniel Krutka	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Traffic Safety Commission	2	Baker-2	Melissa Carr	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Zoning Board of Adjustment	2	Baker-2	Amber Briggie	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Zoning Board of Adjustment	ALL - ALT 3	Baker-2	Kathryn (Kate) Lynass	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment