

CITY OF DENTON CITY COUNCIL MINUTES  
February 2, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, February 2, 2021, at 2:01 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, closed meeting, 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 3.E (21-117) and 3.G (21-071)

**3. Work Session Reports**

- A. ID 20-1844 Receive a report, hold a discussion, and give staff direction regarding an affordable housing assessment report for the City of Denton provided by Reinvestment Fund, Inc.

The item was presented and discussion followed. Rebecca Rothenberg, Principal at Atria Planning, and Emily Dowdall, Policy Director at Reinvestment Fund Policy Solutions, also presented on the item.

Following discussion, City Council consensus was to continue with the conduct of a housing assessment report as presented.

- B. ID 21-093 Receive a report, hold a discussion, and give staff direction regarding a request for a resolution of support from a developer applying for 9% housing tax credit with the Texas Department of Housing and Community Affairs.

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with placing an item for formal consideration at the February 9<sup>th</sup> meeting in support the project.

The work session ended at 3:58 p.m.

### **CLOSED MEETING**

- 1. The City Council convened into a Closed Meeting at 3:58 p.m., consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
  - A. ID 21-121 Deliberations regarding Real Property Under Texas Government Code Section 551.072. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of certain real property interests located in the B.B.B & C.R.R. Co. Survey, Abstract 196, the W. Roark Survey, Abstract 1087, the J. Severe Survey, Abstract 1164 and the J. Withers Survey, Abstract 1343, all in Denton County, Texas, for utility infrastructure and parks-related use and associated infrastructure.

#### **DELIBERATED**

- B. ID 21-027 Deliberations regarding Real Property Under Texas Government Code Section 551.072; 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 acquisition of certain real property interests located on Hickory Creek Road, in and around the J. Rogers Survey, Abstract Number 1084; the J. Withers Survey, Abstract Number 1343; the M. Rogers Survey, Abstract Number 1080; and the N. Britton Survey, Abstract Number 051, all in Denton County, Texas where a public deliberation of such potential acquisitions would have a detrimental effect on the City's position in negotiations with third persons. Consultation with the City's attorneys regarding legal issues associated with the potential 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, potential administrative proceeding, or potential litigation.

**DELIBERATED**

- C. ID 21-155 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consultation with the City's attorneys regarding legal issues including, but not limited to, allegations of Fair Housing Act, Fair Housing Amendments Act, and Americans with Disabilities Act violations, and related statutory and common law claims and potential resolution thereof, 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.

**DELIBERATED**

The closed meeting started at 4:13 p.m. and ended at 6:25 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, February 2, 2021, at 6:39 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. Ashely Chapman, 4765 S. Bonnie Brae, Argyle, regarding a Non-Annexation agreement and City of Denton permitting process.

**PRESENTED**

2) Additional Citizen Reports (Open Microphone)

None

## **3. CONSENT AGENDA**

The Consent Agenda consisted of Items 3.A-G. During the Work Session held earlier in the day, Items 3.E (21-117) and 3.G (21-071) were pulled for Individual Consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 3.A-D and 3.F. Motion seconded by Mayor Pro Tem Davis. Motion carried.

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

NAYS (0): None

- A. ID 21-200 Consider approval of a resolution of the City Council of the City of Denton appointing an Interim City Manager; setting forth the terms of the appointment; setting forth the Interim City Manager's salary; and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-200**

- B. ID 21-095 Consider adoption of an ordinance of the City of Denton, a Texas home-rule corporation, providing for and authorizing the expenditure of funds by the City Manager and the Purchasing Agent for the purchase of EMS Professional Liability insurance coverage for the City of Denton, through the City's sole broker of record, Lockton Companies, LLC; and providing an effective date (File 7622 - awarded to Admiral Insurance Company for a three (3) year not-to-exceed amount of \$72,926.43).

**ASSIGNED ORDINANCE NO. 21-095**

- C. ID 21-113 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 Vermeer Equipment of Texas, LLC dba Vermeer Texas-Louisiana, Inc., through the Buy Board Cooperative Purchasing Network Contract # 597-19, for the purchase of two (2)

Vac Tron Model LP873STD trailer-mounted hydro-excavators for the Water Distribution and Electric Operations Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7609 - awarded to Vermeer Equipment of Texas, LLC dba Vermeer Texas-Louisiana, Inc., in the not-to-exceed amount of \$177,800.00).

**ASSIGNED ORDINANCE NO. 21-113**

- D. ID 21-115 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7549 for Lab Supplies for the Water Production Department and Municipal Lab; and providing an effective date (IFB 7549).

**ASSIGNED ORDINANCE NO. 21-115**

- F. ID 21-118 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 Industrial Power, LLC dba Industrial Power Truck and Equipment, through The Interlocal Purchasing System (TIPS) Contract # 200405 for First Responder emergency vehicle body repair services for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7607 - awarded to Industrial Power, LLC dba Industrial Power Truck and Equipment, in the three (3) year not-to-exceed amount of \$180,000.00).

**ASSIGNED ORDINANCE NO. 21-118**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- E. ID 21-117 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving proposals from A2ZGC Inc. dba A-Star General Contracting Co., and authorizing the expenditure of funds for the reconstruction of a residential property located at 1802 Westwood Drive, under the City of Denton Home Improvement Program; providing for the expenditure of funds therefor; and providing an effective date (RFP 7565 -A2ZGC Inc. dba A-Star General Contracting Co., in the not-to-exceed amount of \$176,000.00).

**ASSIGNED ORDINANCE NO. 21-117**

*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, 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

- G. ID 21-071 Consider adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, renaming Highland Park Road to Parvin Street, between its intersections with Bonnie Brae Street to the future extension of Parvin Street; providing for severability and an effective date.

**ASSIGNED ORDINANCE NO. 21-071**

*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

**4. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 21-090 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 Reliable Paving, Inc., for the construction of the Denton Street Rehabilitation Project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 7495 - awarded to Reliable Paving, Inc., in the not-to-exceed amount of \$10,933,808.55).

**ASSIGNED ORDINANCE NO. 21-090**

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

- B. ID 21-177 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Community Development Advisory Committee, Parks, Recreation & Beautification Board, and Public Art Committee.

**APPROVED**

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

The item was not presented and no discussion followed.

Mayor Pro Tem Davis moved to appoint the nominees as noted in Exhibit B. 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

**5. PUBLIC HEARINGS**

- A. PD20-0008a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a rezoning from Residential 4 (R4) District to Planned Development (PD) District on an approximately 8.23-acre property generally located on the west side of Duncan Street and the east side of Hill Street, approximately 240 feet north of Smith Street, 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. (PD20-0008a, Habitat for Humanity, Hayley Zagurski).

**ASSIGNED ORDINANCE NO. PD20-0008a**

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 are 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.

The meeting was recessed for a short break at 8:00 p.m. and reconvened at 8:09 p.m.

With no other callers on queue, the public hearing was closed.

Council Member Johnson reported she was recusing on further discussion of the item due to an identified conflict of interest and was removed from the video conference for this item, thereby not participating on its continued deliberation.

Following discussion, Council Member Armintor moved to adopt the item as presented on lot sizes and parking, but not limiting the uses that would restrict community gardens and other uses.

Discussion continued.

Council Member Armintor's motion died due to lack of a second.

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

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


NAYS (0): None


ABSTAIN (1): Council Member Johnson

**6. CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:27 p.m.

  
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GERARD HUDSPETH  
MAYOR  
CITY OF DENTON, TEXAS

  
\_\_\_\_\_  
ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: February 16, 2021



February 2, 2021 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations  
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
John	Hoose	7701 Rodeo Drive	Denton	PD20-0008a	Support	Online	The requested changes to R4 under the PD are consistent with the nature of the surrounding community and are needed to help Habitat for Humanity provide affordable housing to low and moderate income residents of Denton. The planned development of 35 homes build over about 7 years will have minimal impact on the existing infrastructure.
Laura (Applicant)	Atkinson	Not Provided	N/A	PD20-0008a	Support	Telephone	Presented a video of public commentary in support of the proposed project including an overview of the area comprising the proposed project and home designs.
Eric	Pruett	2111 Westwood Drive	Denton	PD20-0008a	Support	Telephone	Stated he was in support of the item but outlined other items for the development that could be included.

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.

**EXHIBIT B**  
**BOARDS & COMMISSIONS - NOMINATIONS LIST**  
February 2, 2021

Agenda item 2.B (ID 21-177)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	5	Armintor-5	Dominique Beachum	N/A	UNEXPIRED September 1, 2020 through August 31, 2022	New
Community Development Advisory Committee	ALL - 1	All [Baker-2]	Jodi Vicars-Nance	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Parks, Recreation & Beautification	2	Baker-2	Jerry Dooley	N/A	UNEXPIRED September 1, 2020 through August 31, 2022	New
Public Art Committee	2	Baker-2	Alicia Eggert	2018-2020-UN	September 1, 2020 through August 31, 2022	Reappointment
Public Art Committee	GDAC	GDAC	Michelle Lynn	2018-2020	September 1, 2020 through August 31, 2022	Reappointment