

CITY OF DENTON CITY COUNCIL MINUTES
February 9, 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 9, 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, 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 item(s) were pulled for Individual Consideration:
 - Mayor Pro Tem Davis: Items 2.E (21-170) and 2.F (21-142)

3. Work Session Reports

- A. ID 21-238 Receive a report, hold a discussion, and give staff direction regarding a Denton County Transportation Authority (DCTA) update, a proposed plan for on-demand service, and next steps.

The item was presented and discussion followed.

Following discussion, City Council consensus was for the pilot program to continue as presented, with an update at a future meeting to include participation statistics.

- B. ID 21-206 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 related to Individual Consideration Item 3.D (ID 21-170), scheduled for consideration at the Special Called Meeting to follow later in the day.

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows:

1. For future elections, request election day voting hours during the weekdays all be for a 12-hour voting period, in addition to the two 12-hour voting days mandated by State law, with the increase request to be for both the general election including a runoff election, if any.
2. Keep election day locations as previously determined and discussed.
3. Denton County Elections Administration to remain as the Main Early Voting Location.
4. Add MLK Recreation Center as an early voting location (located in District 1).
5. For any potential runoff election, utilize election day locations as used during the General Election for any district involved in a runoff election, with early voting locations to be Denton Civic Center and Denton County Elections Administration Building for District 1, Voertman's in District 3, North Branch Library for District 2, and South Branch Library for District 4.

The work session was recessed for a short break at 4:21 p.m. and reconvened at 4:38 p.m.

- C. ID 20-2182 Receive a report, hold a discussion, and give staff direction regarding the Downtown Denton Tax Increment Reinvestment Zone No. 1 study and analysis being conducted by TXP, Inc. and discuss associated projects being considered for TIRZ funding.

The item was presented and discussion followed. Travis James, consultant from TXP Inc., also presented on the item.

Following discussion, staff was directed to pursue funding for a portion of the PEC-4, Phase 3 & 4 project from the TIRZ, look at possibly expanding boundaries to the south, explore ways to fund the other portion of the PEC-4 project through the CIP once the design was finished or another source yet to be determined, with a land analysis to be presented at a future date.

- D. ID 21-124 Receive a report, hold a discussion, and give staff direction regarding the Economic Development Strategic Plan and strategies for implementation.

The item was presented and discussion followed.

Following discussion, City Council consensus was for staff to continue as proposed, with a presentation to be made at a future meeting and provide specific data versus hypotheticals.

- E. ID 20-2273 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
- (1) Form a formal partnership between City of Denton and Solutions Addiction Treatment Center to help fund their new group homes.
 - (2) Evening Board and Commission meetings.

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows:

- Item 20-2273 (1) Form a formal partnership between City of Denton and Solutions Addiction Treatment Center to help fund their new group homes.
 - No consensus.
- Item 20-2273 (2) Evening Board and Commission meetings.
 - Consensus was for staff to work up alternatives/address at that level, while polling B&C members on preferred meeting schedules.

The work session ended at 6:37 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 6:37 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-187 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 terms and conditions of a potential lease of City-owned property in the BBB & CRR Survey, Abstract No. 185, Denton County, Texas, and located generally south of Parkway Street, between Bolivar Street and North Elm Street, City of Denton, Texas; and the potential sale of City owned property in the Robert Beaumont Survey, Abs No 31 and the William Neill Survey, Abstract No. 971, City of Denton, Denton County, Texas, and being known as part of Lots 6 and 8, Block 1 Barb's Addition, Denton County, Texas, near Carroll Street and Parkway Street. Consultation with the City's attorneys regarding legal issues associated with the potential disposal, sale, and lease 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 21-232 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, consult with the City's attorneys, and provide direction pertaining to the status, strategy, and possible resolution of condemnation case styled City of Denton v. Robert P. Donnelly, Cause Number PR-2018-01099, pending in the Probate Court of 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 item related, in part, to Individual Consideration Item 3.B (ID 21-171) scheduled for consideration at the Special Called Meeting to follow later in the evening.

The closed meeting started at 6:50 p.m. and ended at 7:27 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, February 9, 2021, at 7:38 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.

2. CONSENT AGENDA

The Consent Agenda consisted of Items 2.A-K. During the Work Session held earlier in the day, Items 2.E (21-170) and 2.F (21-142) were pulled for Individual Consideration by Mayor Pro Tem Davis.

Mayor Pro Tem Davis moved to adopt the Consent Agenda, now consisting of Items 2.A-D and 2.G-K. 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

- A. ID 21-176 Consider approval of the minutes of January 26, 2021 and February 1, 2021.

APPROVED

- B. ID 21-140 Consider adoption of an ordinance of the City of Denton ratifying and approving the execution of a contract with the Texas Department of Housing and Community Affairs (the "TDHCA Contract") allocating to City funds for the Texas Emergency Rental Assistance Program and the Texas Eviction Diversion Program; authorizing the receipt and expenditure of funds therefor; authorizing the City Manager to execute a Memorandum of Understanding with the United Way of Denton County, Inc. providing for a subaward of the obligations and funds allocated under the TDHCA Contract; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-140

- C. ID 21-057 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a grant agreement with the United Way of Denton County, Inc. providing for working capital for the Emergency Solutions Grant Program in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-057

- D. ID 21-132 Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Texas Main Street Program demonstrating the City of Denton's commitment to continue as a "Sustaining Level Official Main Street City" and authorizing payment of the annual fee in the amount of \$2,600; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-132

- G. ID 21-172 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 OCMI, Inc., to provide cost estimating review, cost estimating preparation, and estimate at completion projection services for the City of

Denton's capital infrastructure projects as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7508 - Professional Services Agreement for Cost Estimating Services awarded to OCMI, Inc., for two (2) years, with the option for one (1) additional one (1) year extension, in the total three (3) year not-to-exceed amount of \$402,780.00).

ASSIGNED ORDINANCE NO. 21-172

- H. ID 21-173 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 Procore Technologies, Inc. through the North Central Texas Council of Governments (NCTCOG), contract #2020-064 and ratify a contract executed by Purchasing Agent with Calance Software PVT. Ltd. which is the sole provider of these commodities and services, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, for the purchase and implementation of project management software for the Engineering Department; providing for the expenditure of funds therefor; and providing an effective date (File 7533 - awarded to Procore Technologies, Inc., in the two (2) year not-to-exceed amount of \$363,078.00).

ASSIGNED ORDINANCE NO. 21-173

- I. ID 21-174 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 Parker Power Systems, Inc., to provide maintenance, inspection, and repair services on generators for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7534 - awarded to Parker Power Systems, 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 \$750,000.00).

ASSIGNED ORDINANCE NO. 21-174

- J. ID 21-175 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 Patel & Patel General Partners dba Deluxe Inn, for temporary emergency shelter in hotels for the Community Development Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7547 - awarded to Patel & Patel General Partners dba Deluxe Inn, in the one (1) year not-to-exceed amount of \$800,000.00).

ASSIGNED ORDINANCE NO. 21-175

- K. ID 21-222 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 NewGen Strategies and Solutions, LLC, a Colorado Limited Liability Company, for transmission rate case filing services related to actions before

the Public Utility Commission of Texas as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7532 - Professional Services Agreement for case filing services awarded to NewGen Strategies and Solutions, LLC, in the not-to-exceed amount of \$500,000.00).

ASSIGNED ORDINANCE NO. 21-222

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- E. ID 21-170 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute an Interlocal Agreement with the Denton Independent School District for distance learning through Operation Connectivity wherein the City agrees to contribute an amount not-to-exceed \$571,167.74; and declaring an effective date.

ASSIGNED ORDINANCE NO. 21-170

Pulled for Individual Consideration by Mayor Pro Tem Davis.

Mayor Pro Tem Davis had a conflict of interest and was removed from the video conference, thereby not participating in any deliberation.

The item was not presented and no discussion followed.

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

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

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

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Davis

- F. ID 21-142 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute an addendum to Memorandum of Understanding with the Denton Independent School District, for reimbursement to the City in the additional estimated amount of \$571,167.74 for compensation and benefits of Student Resource Officers assigned at DISD for the period of January 1, 2021, through June 30, 2021, and providing an effective date.

ASSIGNED ORDINANCE NO. 21-142

Pulled for Individual Consideration by Mayor Pro Tem Davis.

Mayor Pro Tem Davis had a conflict of interest and was removed from the video conference, thereby not participating in any deliberation.

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

The item was not presented and no discussion followed.

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

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-1635 Consider approval of a resolution of the City of Denton adopting an Economic Development Strategic Plan; and providing an effective date. The Economic Development Partnership Board recommends approval (8-0).

ASSIGNED RESOLUTION NO. 20-1635

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

The item was not 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

- B. ID 21-171 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Lease Agreement between the City of Denton and the Denton Chamber of Commerce for the use and occupancy of approximately 1600 square feet of office space and 100 square feet of storage space in the City building at 401 North Elm Street; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-171

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

The item was discussed, in part, under Closed Meeting Item 1.B (ID 21-232) pursuant to Texas Government Code Sections 551.072 (Real Property) and 551.071 (Consultation with Attorney) deliberated earlier in the day.

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

NAYS (1): Council Member Armintor

- C. ID 21-094 Consider approval of a resolution of the City of Denton supporting the TX Legacy Denton, LP's 9% housing tax credit application to Texas Department of Housing and Community Affairs for proposed new construction of The Legacy in Denton Apartments to provide affordable rental housing; committing to provide fee reductions in an amount not to exceed \$500.00; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-094; AMENDED

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

The item was presented and discussion followed.

Council Member Armintor moved to approve the item as presented. Motion died for lack of a second.

Following further discussion, Council Member Meltzer moved to adopt the item with the condition for best efforts to move sales tax eligible purchase through the City of Denton sales tax eligible channels. 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

- D. ID 21-179 Consider adoption of an ordinance ordering an election to be held in the City of Denton on May 1, 2021 and, if a runoff election is required, on June 5, 2021, for the purpose of electing Council Members to Districts 1, 2, 3 and 4 of the City Council of the City of Denton, Texas; prescribing the time and manner of the conduct of the election to be in accordance with a joint election agreement and contract for election services with the Election Administrator of Denton County; providing a severability clause; providing an open meetings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-179

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 discussed, in part, under Item 3.B (ID 21-206) during the Work Session held earlier in the day.

The item was presented and discussion followed.

Following discussion, Council Member Ryan 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 21-178 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Animal Shelter Advisory Committee, Board of Ethics, Health & Building Standards Commission, Human Services Advisory Committee, Library Board, Parks, Recreation & Beautification Board, Planning & Zoning Commission, Public Art Committee, and Zoning Board of Adjustment.

APPROVED

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

The item was not presented and 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


4. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned at 8:32 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: February 23, 2021

February 9, 2021 City Council Regular Meeting - EXHIBIT A

**Speaker Commentaries/Registrations
Online, Email, Phone**

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Allison	Maguire	2208 Miranda Place	Denton	21-179	N/A	Telephone	Requested City Council include both Denia Recreation Center and South Branch as voting locations in District 4.
Jeniffer	Lane	1526 Willowwood Street	Denton	21-179	Against	Online	There is only 1 Early Voting Location planned for District 4. District 4 is the largest in land mass and in number of registered voters in the City of Denton. There needs to be a 2nd location, like the other Districts. Denia Recreation Center is the best known and ideal for both Early Voting and for Election Day. This large district should not be short-changed and needs two early voting locations. Please ensure that all on Council see this message. Please read it aloud into the record. 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.

EXHIBIT B
BOARDS & COMMISSIONS - NOMINATIONS LIST
February 9, 2021

Agenda item 2.E (ID 21-178)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	7	Hudspeth-7	Robert Tickner	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Animal Shelter Advisory Committee	5	Armintor-5	Diana Leggett	2018-2020	September 1, 2020 through August 31, 2022	Reappointment Qualif. 4 - Represents Animal Welfare Org.
Animal Shelter Advisory Committee	7	Hudspeth-7	Sarah Kuechler	N/A	UNEXPIRED September 1, 2019 through August 31, 2021	New Qualif. 2 - City Official
Board of Ethics	ALL - ALT. 1	All	Deborah Cosimo	2018-2020	September 1, 2020 through August 31, 2022	Reappointment Pref. 9 - Lic. Professional Counselor
Health & Building Standards Commission	4	Ryan-4	Sebastian Delgadillo	N/A	UNEXPIRED July 1, 2020 through June 30, 2022	New Qualif. 3: Engineer
Human Services Advisory Committee	5	Armintor-5	Nathaniel Johnson	N/A	UNEXPIRED September 1, 2019 through August 31, 2021	New
Library Board	4	Ryan-4	Jim Owen	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment
Library Board	5	Armintor-5	Vicki Byrd	N/A	UNEXPIRED September 1, 2019 through August 31, 2021 <i>* Correcting the applicable term</i>	New
Parks, Recreation & Beautification	4	Ryan-4	David Shuck	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Planning & Zoning Commission	5	Armintor-5	Mat Pruneda	2018-2020	September 1, 2020 through August 31, 2022	Reappointment
Public Art Committee	4	Ryan-4	Adam Chamberlin	N/A	UNEXPIRED September 1, 2020 through August 31, 2022	New
Zoning Board of Adjustment	5	Armintor-5	Jennifer Lane	2018-2020	September 1, 2020 through August 31, 2022	Reappointment

*Note: Vicki Byrd was presented for appointment on February 2, 2021. Her term at that time reflected an Unexpired Term of September 1, 2020 through August 31, 2021. She was actually being appointed to fill a vacancy on the Library Board with an Unexpired Term of September 1, 2019 through August 31, 2021. Therefore, her term of appointment is being corrected.