

CITY OF DENTON CITY COUNCIL MINUTES

February 23, 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 23, 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 Interim City Manager Sara Hensley 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.

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. See Exhibit A for details.

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

- Clarification was requested on the following items:
 - Council Member Armintor: Item 2.E (21-203)
- The following item(s) were pulled for Individual Consideration:
 - Council Member Meltzer: Item 2.B (21-127)
 - Council Member Armintor: Item 2.E (21-203)

3. Work Session Reports

- A. ID 21-231 Receive a report, hold a discussion, and give staff direction regarding a Fire Department update.

The item was not presented at staff's request and no discussion followed.

- B. ID 21-227 Receive a report, hold a discussion, and give staff direction regarding an audit follow-up of COVID-19 Response: Disaster Reimbursements.

The item was presented and no discussion followed.

Following discussion, there was no direction provided as the item was for presentational/discussion purposes only.

- C. ID 21-056 Receive a report, hold a discussion, and give staff direction regarding an overview of a draft Management Services and Operating Agreement with The Junction for the 909 N. Loop 288 facility and a project update.

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue as presented, include options for sidewalk barriers along Loop 288 directing traffic and crossings, move forward diligently with a reasonable timeline; contract with county, be a good neighbor with no camping in the area, best practices around the step down/financial process/opportunities to diversify, and financing options with a more defined timeline to be presented at a later date, and return with options and include information on the viability of an auxiliary building (library, computer use, book access, and work out area).

The work session ended at 4:12 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:12 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

- A. ID 21-120 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 City Auditor.

DELIBERATED

The closed meeting started at 4:36 p.m. and ended at 5:20 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 23, 2021, at 5:55 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 Interim City Manager Sara Hensley 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. PROCLAMATIONS/PRESENTATIONS

A. ID 21-277 Special recognition for Todd Hileman
NOT PRESENTED; RESCHEDULED TO MARCH 2

2. CONSENT AGENDA

The Consent Agenda consisted of Items 2.A-L. During the Work Session held earlier in the day, Item 2.B (21-127) was pulled for Individual Consideration by Council Member Meltzer and Item 2.E (21-203) was pulled for Individual Consideration by Council Member Armintor.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 2.A, 2.C, 2.D, and 2.F-L. 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

A. ID 21-248 Consider approval of the minutes of February 2, February 4, February 9, February 12, and February 19, 2021.
APPROVED

- C. ID 21-078 Consider approval of a resolution of the City Council of the City of Denton, approving the 2019/2020 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) annual report; and declaring an effective date. The TIRZ Number Two Board recommends approval (9-0).

ASSIGNED RESOLUTION NO. 21-078

- D. ID 21-157 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2019-2020 Tax Increment Reinvestment Zone Number One (TIRZ #1) Annual Report; and declaring an effective date. The TIRZ #1 Board recommends approval (6-0).

ASSIGNED RESOLUTION NO. 21-157

- F. ID 21-226 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7359 for Lawn and Groundskeeping Equipment, Supplies, and Services for various City Departments; and providing an effective date (IFB 7359).

ASSIGNED ORDINANCE NO. 21-226

- G. ID 21-252 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or her designee, to execute a contract with Bryan & Sons Locksmith, Inc., to provide locksmith services for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7356 - awarded to Bryan & Sons Locksmith, 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 \$150,000.00).

ASSIGNED ORDINANCE NO. 21-252

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. See Exhibit A for details.

- H. ID 21-255 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or her designee, to execute a contract with Jagoe-Public Company, for the construction of the Lake Forest Park Pond and Dam Rehab project for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7518 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$3,021,706.94).

ASSIGNED ORDINANCE NO. 21-255

Citizen comments received are noted in Exhibit A.

- I. ID 21-256 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or her designee, to execute a contract with Enviromatic Systems of Fort Worth, Inc., through the Buy Board Cooperative Purchasing Network Contract # 631-20, for the acquisition, repair, and maintenance of building management system controls on heating, ventilation, and air conditioning systems for City buildings; providing for the expenditure of funds therefor; and providing an effective date (File 7535 - awarded to Enviromatic Systems of Fort Worth, Inc., in the not-to-exceed amount of \$2,000,000.00).

ASSIGNED ORDINANCE NO. 21-256

- J. ID 21-258 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or her designee, to execute a contract with Techline, Inc., for the purchase of Roll Duct, PVC conduit, fittings, and accessories to be stocked in the City of Denton Warehouse for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (IFB 7573 - awarded to Techline, Inc., in the one (1) year not-to-exceed amount of \$1,400,000.00).

ASSIGNED ORDINANCE NO. 21-258

- K. ID 21-319 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or her designee, to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services for the Ryan Road Corridor Improvements Project for the Capital Projects-Engineering Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-097 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$461,100.00).

ASSIGNED ORDINANCE NO. 21-319

- L. ID 21-265 Consider adoption of an ordinance approving a pipeline crossing contract by and between the City of Denton and the Kansas City Southern Railway Company relating to the location of a City water pipeline within the railroad right-of-way, located at Mile Post D101.09 Alliance Subdivision, in Denton, Denton County, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-265

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 21-127 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 an interconnection agreement with Oncor Electric Delivery Company, LLC, a Delaware Limited Liability Company ("ONCOR"), stating the terms and conditions under which the parties' electric systems are interconnected; and, providing an effective date.

ASSIGNED ORDINANCE NO. 21-127

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

Council Member Meltzer moved to postpone the item to May 25 to allow time to finalize the ERCOT agreement. Motion seconded by Council Member Armintor. Motion failed.

AYES (2): Council Members Armintor and Meltzer.

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

Mayor Hudspeth republished Council Member Ryan's original motion adopt the item as presented, seconded by Mayor Pro Tem Davis. Motion carried.

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

NAYS (2): Council Members Armintor and Meltzer

- E. ID 21-203 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 WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, for Landfill Surveying Services for Landfill Cell 4 B-C-D and associated site improvements of the City of Denton Landfill as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-018 - Professional Services Agreement for landfill surveying services awarded to WM. M. Coleman & Associates, Inc. dba Coleman & Assoc. Land Surveying, in the not-to-exceed amount of \$116,185.00). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 21-203

Pulled for Individual Consideration by Council Member Armintor.

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

NAYS (0): None

3. ITEMS FOR INDIVIDUAL CONSIDERATION

NOTE: Items are noted in the order presented/considered.

- A. AESA20-0006c 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. THE APPLICANT REQUESTS THAT CITY COUNCIL MOVE TO POSTPONE THIS ITEM TO MARCH 2, 2021. (AESA20-0006, Urban Logistics 35, Christi Upton)
POSTPONED TO MARCH 2, 2021

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

The item was not presented and no discussion followed.

City Attorney Leal clarified the item was to have been officially postponed to a later date during the February 16 meeting which had been cancelled due to inclement weather; and a motion to postpone as requested by the applicant was needed.

Council Member Meltzer moved to postpone the item to March 2 as requested by the applicant. 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 21-133 Consider approval of a resolution of the City of Denton adopting the 2020-2021 City Council priorities and 2021 work plan for the City of Denton; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-133

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

- C. ID 21-204 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 JRD, LLC dba Maslonka Powerline Services, LLC, for transmission line construction services for DME Capital Improvement Plan projects; providing for the expenditure of funds therefor; and providing an effective date (RFP 7483 - awarded to JRD, LLC dba Maslonka Powerline Services, LLC, in the four (4) year not-to-exceed amount of \$15,880,000.00). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 21-204

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

The item was presented and no discussion followed.

Council Member Armintor moved to postpone the item to May 25; and following discussion on the impact should the item be postponed, motion died for lack of a second.

Mayor Hudspeth called for a motion on the item.

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

Following discussion, Mayor Hudspeth called the vote on Council Member Ryan's motion to adopt the item as presented, seconded by Council Member Johnson. Motion carried.

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

NAYS (1): Council Member Armintor

- D. ID 21-233 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 Hammett Excavation, Inc., for the excavation and construction of Cells 4B-C-D at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 7540 - awarded to Hammett Excavation, Inc., in the not-to-exceed amount of \$3,247,974.84). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 21-233

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

- G. ID 21-361 Consider adoption of an ordinance of the City of Denton extending the effective period of the Declaration of Local Disaster executed by the Mayor on February 19, 2021; approving an updated Order of the Mayor; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-361

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

The item was presented with staff reported changes having been made to the proposed order, a copy of which had been emailed to City Council.

Prior to discussion on the item, City Attorney Leal reported the need to meet with City Council pursuant to Texas Government Code Section 551.071 (Consultation with Attorneys) and 551.086 (Deliberation Regarding Certain Public Power Utilities Competitive Matters) to deliberate on issues relating to this matter.

The Executive Session was called at 6:53 p.m., started at 7:08 p.m., and ended at 7:50 p.m. No votes or actions were taken during the executive session.

The special meeting was reconvened at 8:01 p.m. with discussion on the item occurring.

Following discussion, Council Member Armintor moved to adopt the item with changes as provided by staff and with the amendment to extend the period through April 15, 2021. 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 additional 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

- E. ID 21-355 Consider adoption of an ordinance amending the City of Denton Utility System Extendible Commercial Paper Program to increase the authorized amount of notes to \$300,000,000.

ASSIGNED ORDINANCE NO. 21-355

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

The item was presented and discussion followed.

Council Member Armintor moved to postpone the item to May 25 until the legislative session started. Motion died for lack of a second.

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

- F. ID 21-356 Consider adoption of an ordinance amending Ordinance No. 2021-070 authorizing the issuance of "City of Denton Utility System Revenue Refunding Bonds, Series 2021" to increase the authorized amount of bonds that may be issued to \$300,000,000.

ASSIGNED ORDINANCE NO. 21-356

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

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

NAYS (1): Council Member Armintor

- H. ID 21-354 Consider adoption of an ordinance declaring an unopposed candidate in the May 1, 2021 General City Election, declaring Jesse Davis elected to office and cancelling the election in District 3; providing a severability clause; providing an open meetings clause; and providing an effective date.

DENIED

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 deny the item. Motion seconded by Council Member Baker. Motion carried for denial.

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

NAYS (0): None

- I. ID 21-266 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Board of Ethics, Historic Landmark Commission, and Human Services Advisory Committee.

APPROVED

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

The item was not presented and no discussion followed.

Following discussion, Council Member Ryan 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

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:55 p.m.


GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS


ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: March 16, 2021

February 23, 2021 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Paul	Jenkins	3901 Montecito Drive	Denton	21-255	Support	Telephone	Stated he is a resident of Lake Forest Park for almost 15 years. Spoke of concerns of the lake clogging up and deteriorate. He is also a frequent user of the park and the friendships he has made. He requested Councils support on the program.
Paula	Lind	3901 Montecito Drive	Denton	21-255	Support	Telephone	Is a resident of Lake Forest Village, loves the village and park. During COVID pandemic, other residents have discovered their park and now seeing lots of new people and pets. Has become a great place for social distancing. Stressed that neighborhoods in the area are also using it.
Lavona	Duryea	3900 Montecito Drive	Denton	21-255	Support	Telephone	Resident since 2013. When first moved there, condition of the lake was a concern and now lake has deteriorating further. While trying to "page", its eco system is further deteriorating. A group of residents brought this to the attention of the City Council. Grant obtained to improve the lake. Served as a point of interest for many neighborhoods in the area. Encourages Council to approve the contract as presented.
David	Gibson	9100 Teasley Lane	Denton	21-252	Support	Online	Having worked with Bryan and Sons Locksmiths before, both professionally as an employee for Scott Brown Properties, and privately as a citizen of Denton, they are my go to locksmith for services. I wanted to voice my support for this agenda item as they are a great family owned local business, that I believe would be highly beneficial for the city to execute this contract with.

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 23, 2021

Agenda item 3.I (ID 21-266)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	4	Ryan-4	Lauren Upshaw	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment
Board of Ethics	ALL - ALT. 2	All [Ryan-4]	Rob Rayner	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment Qualif. 6 - Pastor
Historic Landmark Commission	ALL - 2	All [Davis-3]	Melody Kohout	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment Qualif. 1 - County Historical Commission
Human Services Advisory Committee	1	Johnson-1	Anne Scaggs	2019-2021 - UN	Unexpired September 1, 2019 through August 31, 2021	New