

CITY OF DENTON CITY COUNCIL MINUTES
March 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, March 2, 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 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, closed session and 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. However, there were no online registrations or call ins on any items on the agenda.

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 item:
 - Council Member Armintor: Item 4.A (21-322)
- The following item(s) was pulled for Individual Consideration:
 - Council Member Meltzer: Item 4.F (21-407)

3. Work Session Reports

- A. ID 20-1886 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. Dr. Matt Richardson, Denton County Public Health Director, also presented material on the item.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes. Staff committed to returning for additional discussion if the affects by the recent steps at the State level were to change the conditions of the existing emergency order. Staff needed time to review to gain a better understanding of what is being changed/rescinded, how the City is affected, and steps the City can take.

- B. ID 21-337 Receive a report, hold a discussion, and give staff direction regarding processes, impacts, and results of service delivery during the February 2021 inclement weather event by the following departments:
1. Information Technology
 2. Solid Waste
 3. Customer Service
 4. Animal Services

The item was presented for the above-noted departments and discussion followed.

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

The work session recessed for a short break at 3:54 p.m. and reconvened at 4:18 p.m.

- C. ID 20-2531 Receive a report, hold a discussion, and give staff direction regarding the proposed prioritization and implementation of the City's Capital Improvement Projects.

The item was presented and discussion followed.

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

- D. ID 20-2386 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
- 1) Audit of all aspects (procedural, infrastructural, and financial) of the City's response this recent statewide and local power shortage, including but not limited to the related water shortage and other forms of local emergency management for the duration of the statewide and local power shortage. (Internal Audit request)

The item was presented and discussion followed.

Results were as follows:

- Item 20-2386 (1) Audit of all aspects (procedural, infrastructural, and financial) of the City's response this recent statewide and local power shortage, including but not limited to the related water shortage and other forms of local emergency management for the duration of the statewide and local power shortage. (Internal Audit request)
 - No consensus for a work session.

The work session ended at 5:37 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:38 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-406 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys and provide direction pertaining to the status, strategy, and potential resolution of litigation in Cause No. 21-1421-16, styled "City of Denton, Texas v. Electric Reliability Council of Texas (ERCOT)," pending in the 16th Judicial District Court, 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 closed meeting started at 5:52 p.m. and ended at 6:30 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, March 2, 2021, at 6:37 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, closed session and 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. However, there were no online registrations or call ins on any items on the agenda.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag and B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

NOTE: Items are noted in the order presented.

- C. ID 21-149 Proclamation: Ryan High Football Team
PRESENTED
- A. ID 21-402 Special recognition for Chris Watts
PRESENTED
- B. ID 21-382 Special recognition for Todd Hileman
PRESENTED

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Reports from members of the public
 - 1) Receive Scheduled Citizen Reports from Members of the Public
None
 - 2) Additional Citizen Reports (Open Microphone)
None

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4.A-F. During the Work Session held earlier in the day, Item 4.F (21-407) was pulled for Individual Consideration by Council Member Meltzer.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 4.A-E. 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 21-322 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 Biggs and Mathews Environmental, Inc., to provide professional services for the Soils and Liner Quality Control and Assurance Plan of Cells 4 B-C-D at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 7109-019 - Professional Services Agreement for professional services awarded to Biggs and Mathews Environmental, Inc., in the not-to-exceed amount of \$238,731.00).

ASSIGNED ORDINANCE NO. 21-322

- B. ID 21-325 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 Hawaii Drillers Incorporated dba Coastal Netting Systems, for the purchase of portable litter control for the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (IFB 7605 - awarded to Hawaii Drillers Incorporated dba Coastal Netting Systems, 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 \$390,000.00).

ASSIGNED ORDINANCE NO. 21-325

- C. ID 21-327 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 Holt Texas, Ltd., through the Buy Board Cooperative Purchasing Network Contract # 597-19, for Caterpillar heavy equipment repair and maintenance services for various City Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7515 - awarded to Holt Texas, Ltd., in the five (5) year not-to-exceed amount of \$925,000.00).

ASSIGNED ORDINANCE NO. 21-327

- D. ID 21-328 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Bragg Trailers, L.L.C., Holt Texas, LTD., and Interstate Trailers, Inc., for the purchase of trailers for various City Departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 7523 - awarded to Bragg Trailers, L.L.C., Holt Texas, LTD., and Interstate Trailers, 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 \$1,125,000.00).

ASSIGNED ORDINANCE NO. 21-328

- E. ID 21-397 Consider adoption of an ordinance of the City of Denton amending Ordinance 19-2137 to change the calculation of wastewater volume in schedules SR and SMH for March 2021 through February 2022; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-397

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- F. ID 21-407 Consider adoption of an ordinance of the City of Denton permitting leak adjustments to water bills for certain circumstances due to winter weather or energy emergency; providing for a severability clause; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-407

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 Armintor 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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-324 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 MRE Consulting, Ltd., for Energy Trading and Risk Management (ETRM) Consulting for the Denton Municipal Electric Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7538 - Professional Services Agreement for consulting services awarded to MRE Consulting, Ltd., in the three (3) year not-to-exceed amount of \$350,000.00).

ASSIGNED ORDINANCE NO. 21-324

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

- B. AESA20-0006d 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. STAFF REQUESTS THAT CITY COUNCIL MOVE TO POSTPONE THIS ITEM TO MARCH 16, 2021. (AESA20-0006, Urban Logistics 35, Christi Upton)

POSTPONED TO MARCH 16, 2021

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 postpone the item to March 16, 2021 as requested by staff. Motion seconded by Council Member Johnson. Motion carried.

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

- C. ID 21-376 Consider approval of a resolution of the City of Denton regarding the creation of the Stonehill Ranch Municipal Utility District No. 1 of Denton County, encompassing approximately 161.641 acres of land generally located south and west of Old Stoney Road, and east of Schluter Road, within Division 2 of the Extraterritorial Jurisdiction of the City of Denton, Texas; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-376

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 Johnson. Motion carried.

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

- D. ID 21-404 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager or her designee to execute an interlocal agreement with the Denton Independent School District for the use of approximately 10,000 square feet of storage space in that certain City warehouse located at 651 S. Mayhill Road; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-404

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

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.

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

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

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Davis

6. PUBLIC HEARINGS

- A. ID 21-242 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 26 - Utilities, Article V - Indirect discharge into sanitary wastewater system of the City's Code of Ordinances; providing for a severability clause; providing for a savings clause; providing a penalty; providing for codification; and providing for publication and an effective date. Public Utilities Board recommends 5-0.

POSTPONED TO MARCH 16, 2021

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

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

Council Member Meltzer moved to postpone the item to March 16, 2021 as requested by staff. Motion seconded by Council Member Johnson. Motion carried

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

NAYS (0): None

- B. Z20-0012a Hold a public hearing and consider adoption of an ordinance regarding an amendment to the Rayzor Ranch Overlay District to amend the concept and zoning map exhibits and amend development standards and design criteria for development within the eastern portion of the Rayzor Ranch South Campus - South Mixed Use District, being approximately 90.54 acres generally located on the south side of West University Drive/US 380, east of Heritage Trail, and west of Bonnie Brae 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 for severability and establishing an effective date. The Planning and Zoning Commission voted [7-0] to approve the request. STAFF IS REQUESTING THIS ITEM BE POSTPONED TO THE MARCH 16, 2021 MEETING. (Z20-0012, Rayzor Ranch East Overlay Amendments, Hayley Zagurski).

POSTPONED TO MARCH 16, 2021

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 postpone the item to March 16, 2021 as requested by staff. Motion seconded by Council Member Johnson. Motion carried.

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

- C. PD20-0002c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from General Office (GO) and Rural Residential (RR) Districts to a Planned Development (PD) District on approximately 90 acres. The site is generally located on the north side of Loop 288, between North Elm Street and Bonnie Brae 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 APPLICANT HAS REQUESTED TO POSTPONE THE ITEM TO THE MARCH 16, 2021 CITY COUNCIL MEETING (PD20-0002c, Hirschbach, Julie Wyatt)
POSTPONED TO MARCH 16, 2021

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 postpone the item to March 16, 2021 as requested by the applicant. 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

7. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:48 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

MARCH 16, 2021