

CITY OF DENTON CITY COUNCIL MINUTES

March 16, 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 16, 2021, at 2:00 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.

Council Member Armintor arrived at 2:02 p.m.

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 regular 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) was/were pulled for Individual Consideration:
 - Council Member Armintor: Items 3.B (21-338) and 3.V (21-496)
NOTE: Later in the meeting, Council Member Armintor's request to pull items was accepted.

3. Work Session Reports

- A. ID 21-228 Receive a report, hold a discussion, and give staff direction regarding an audit follow-up of accounts payable.

The item was presented and discussion followed.

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

- B. ID 21-339 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. Facilities - PRESENTED
 2. Police /Fire/Emergency Management - PRESENTED
 3. Public Works: Streets, Drainage, Traffic - PRESENTED
 4. Public Works: Fleet - NOT PRESENTED; RESCHEDULED TO APRIL 6, 2021
 5. Human Resources/Risk Management - PRESENTED

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

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

The work session was recessed for a short break at 4:01 p.m. and reconvened at 4:18 p.m.

- C. ID 21-136 Receive a report, hold a discussion, and give staff direction regarding the Development Code Review Committee's role and responsibilities.

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue as proposed to make the Denton Development Code Review Committee a standing City Council Committee, meet as needed, and have voting rights. A formal action item to follow at a later date formalizing the process.

- D. ID 21-514 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response, the Local Disaster Declaration, and the Eleventh Order of Council of the City of Denton issued December 17, 2020 approved by Ordinance 20-2467.

The item related to Individual Consideration Item 4.AD (ID 21-432) scheduled for consideration at the Regular Meeting to follow later in the evening.

The item was presented and discussion followed.

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

- E. ID 20-2387 Receive a report, hold a discussion, and give staff direction on pending City Council requests for information for:
- 1) Changing all forms of "he or she," "him or her," "his or hers" in city policy to the grammatically appropriate form of they/them/theirs in any city documents, written policies, and laws that can be changed without a Charter change. NOT PRESENTED
 - 2) Have a discussion regarding the one-minute pitch process. PRESENTED

The item was presented and discussion followed.

Results were as follows:

- Item 20-2387 (1) Changing all forms of "he or she," "him or her," "his or hers" in city policy to the grammatically appropriate form of they/them/theirs in any city documents, written policies, and laws that can be changed without a Charter change.
 - NOT PRESENTED; PULLED FROM PRESENTATION BY COUNCIL MEMBER ARMINTOR
- Item 20-2387(2) Have a discussion regarding the one-minute pitch process.
 - No consensus for a work session.

The work session was recessed at 5:29 p.m. to continue with the Closed Meeting.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:29 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-543 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with the City's attorneys and provide direction pertaining to the legal status, legal analysis, legal 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, including release of confidential information related to same; 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 5:45 p.m. and ended at 6:26 p.m. No votes or actions were taken during the closed meeting.

WORK SESSION - CONTINUED

The work session reconvened at 6:29 p.m.

Mayor Hudspeth granted Council Member Armintor's request to pull Consent Items 3.B (21-338) and 3.V (21-496) for Individual Consideration.

The work session ended at 6:32 p.m.

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 16, 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

Council Member Ryan arrived at 6:49 p.m.

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 meeting and regular 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 is 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. Reports from members of the public

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

3. CONSENT AGENDA

The Consent Agenda consisted of Items 3.A-W. During the Work Session held earlier in the day, Items 3.B (20-338) and 3.V (21-496) were pulled for Individual Consideration by Council Member Armintor.

Mayor Pro Tem Davis moved to adopt the Consent Agenda, now consisting of Items 3.A, 3.C-U, and 3.W. Motion seconded by Council Member Armintor. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

- A. ID 21-336 Consider approval of the minutes of February 23, March 1, and March 2, 2021.

APPROVED

- C. ID 21-368 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton County Friends of the Family, Inc.; authorizing the City Manager or designee to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed twelve hundred and fifty dollars (\$1,250.00); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-368

- D. ID 21-369 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton Music and Arts Collaborative; authorizing the City Manager or designee to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed four hundred dollars (\$400.00); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-369

- E. ID 21-370 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Giving Hope, Inc.; authorizing the City Manager or designee to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed four hundred dollars (\$400.00); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-370

- F. ID 21-371 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Grace Like Rain; authorizing the City Manager or designee to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed four hundred dollars (\$400.00); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-371

- G. ID 21-329 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 Bibliotheca, LLC, for the purchase of Radio Frequency Identification Hardware and Software including: self-check kiosks with unlockers, automated return systems, staff equipment, and security gates at all Denton Public Library facilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 7450 - awarded to Bibliotheca, LLC, for five (5) years, with the option for two (2) additional one (1) year extensions, in the total seven (7) year not-to-exceed amount of \$330,939.00).

ASSIGNED ORDINANCE NO. 21-329

- H. ID 21-410 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 Schrickel, Rollins and Associates, Inc., for a design engineering report, final design, bid phase services, and construction administration services for the replacement of Lakeview Ranch Wastewater Interceptor, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-098 - Professional Services Agreement for design services awarded to Schrickel, Rollins and Associates, Inc., in the not-to-exceed amount of \$241,800.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-410

- I. ID 21-411 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 Schrickel, Rollins and Associates, Inc., for a design engineering report, final design, bid phase services, and construction administration services for the Robson Ranch Wastewater Treatment Plant Lift Station Conversion, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-099 - Professional Services Agreement for engineering services awarded to Schrickel, Rollins and Associates, Inc., in the not-to-exceed amount of \$240,500.00). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 21-411

- J. ID 21-412 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 Brandon & Clark, Inc., for the repair of electric motors at the Water Production and Water Reclamation facilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 7482 - awarded to Brandon & Clark, 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 \$300,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-412

- K. ID 21-413 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 Global Pump Solutions, LLC, for the repair and rebuild of pumps at the Water Production and Water Reclamation facilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 7482 - awarded to Global Pump Solutions, LLC, 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 \$1,000,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-413

- L. ID 21-416 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 in support of the Denton Square Pedestrian All-Way Crosswalk Improvements Design, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-101 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$95,000.00).

ASSIGNED ORDINANCE NO. 21-416

- M. ID 21-417 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 Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services in support of the State reimbursable Safe Routes to Schools (SRTS) projects; Ginnings and Alexander Elementary Schools Sidewalk Improvements projects, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-102 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$215,000.00).

ASSIGNED ORDINANCE NO. 21-417

- N. ID 21-418 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 Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services in support of the State Reimbursable Advanced Funding Agreement; North Texas Boulevard Improvements Project, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-103 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc. in the not-to-exceed amount of \$338,900.00).

ASSIGNED ORDINANCE NO. 21-418

- O. ID 21-419 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 Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services in support of the State reimbursable Transportation Alternatives Set-Aside (TASA) Program project; Sycamore - Welch Active Transportation Connection Bike

Lanes and Shared - Use Path Facilities project, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-104 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$250,000.00).

ASSIGNED ORDINANCE NO. 21-419

- P. ID 21-420 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 Professional Services Agreement with Kimley-Horn and Associates, Inc., for professional engineering services in support of the State reimbursable Safe Routes to School (SRTS) projects; Wilson and Pecan Creek Elementary Schools Sidewalk Improvements projects, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-105 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$150,000.00).

ASSIGNED ORDINANCE NO. 21-420

- Q. ID 21-422 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 Texas Fire & Sound, Inc., through the Buy Board Cooperative Purchasing Network Contract # 574-18, for the repair, installation, inspection, and maintenance of fire suppression systems, fire extinguishers, fire, and security alarm monitoring throughout City Buildings; providing for the expenditure of funds therefor; and providing an effective date (File 7598 - awarded to Texas Fire & Sound, 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 \$850,000.00).

ASSIGNED ORDINANCE NO. 21-422

- R. ID 21-423 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 Baker and Taylor, LLC, as agent for Bridgeall Libraries Limited, for library collection analysis software package, CollectionHQ and ESP, which is the sole provider of this software, 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, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7478 - awarded to Baker and Taylor, LLC, as agent for Bridgeall Libraries Limited, in the five (5) year not-to-exceed amount of \$92,000.00).

ASSIGNED ORDINANCE NO. 21-423

- S. ID 21-426 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Texas Series of Lockton Companies, LLC, amending the contract approved by City Council on August 4, 2020, in the not-to-exceed amount of \$480,000.00; said first amendment for the cost of additional broker services; providing for the expenditure of funds therefor; and providing an effective date (File 7365 - providing for an

additional first amendment expenditure amount not-to-exceed \$75,000.00, with the total contract amount not-to-exceed \$555,000.00).

ASSIGNED ORDINANCE NO. 21-426

- T. ID 21-427 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for approval of a pre-qualified real estate list of firms who have quantified their knowledge, experience, and credentials in acquiring property interests and relocation services for a public agency following Federal and State guidelines, who will be utilized for acquiring real property interests relating to capital projects and on city-wide department driven incentives within the City of Denton; and providing an effective date (RFQ 7480 - for a three (3) year term).

ASSIGNED ORDINANCE NO. 21-427

- U. ID 21-202 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Wastewater Main Cost Participation Agreement with Sagebrook Denton LP, ("Sagebrook") for the City's participation in the oversizing of wastewater mains in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefore; and providing an effective date. (In the not-to-exceed amount of \$216,000.00).

ASSIGNED ORDINANCE NO. 21-202

- W. ID 21-509 Consider approval of a resolution of the City of Denton providing the March 8, 2021 meeting absence by Parks, Recreation, and Beautification Board member Alana Presley Taylor be excused; and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-509

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 21-338 Consider adoption of an ordinance approving a Preliminary Engineering Services Agreement by and between the City of Denton and the Kansas City Southern Railroad Company ("KCSRR") relating to the widening of South Bonnie Brae Street within the railroad right-of-way located at KCSRR Mile Post 103.24, within the County and City of Denton, Texas; providing for the expenditure of funds (the estimate is \$10,000.00 for Preliminary Engineering; the City will receive a final invoice upon completion of the work); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-338

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 no discussion followed.

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

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

NAYS (1): Council Member Armintor

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

- V. ID 21-496 Consider adoption of an ordinance authorizing expenditure of an additional \$100,000.00 in previously budgeted funds for outside counsel and other trial expenses in the litigation styled "City of Denton v. Robert P. Donnelly," pending in the Probate Court of Denton County, Texas; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-496

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 no discussion followed.

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

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

NAYS (1): Council Member Armintor

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-432 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, extending the effective period of the declared state of local disaster to June 30, 2021; superseding and replacing the Eleventh Order of Council of the City of Denton issued December 17, 2020 approved by Ordinance No. 20-2467; confirming the expenditure of funds and authorizing the expenditure of additional funds; providing a repealer clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-432

The item related to Item 3.D (ID 21-514) deliberated during the Work Session held earlier in the day.

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 Mayor Hudspeth. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Ryan

Council Member Ryan arrived at 6:49 p.m.

- B. ID 21-274 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, amending the FY 2020-21 Annual Audit Plan; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-274

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

The item was presented and no discussion followed.

Council Member Meltzer moved to adopt the item as recommended by the Audit/Finance Committee. 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

- C. ID 21-415 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 Professional Services Agreement with Freese and Nichols, Inc., for engineering-related on-call professional services, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-100 - Professional Services Agreement for engineering on-call services awarded to Freese and Nichols, Inc., in the three (3) year not-to-exceed amount of \$3,031,783.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-415

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

NAYS (0): None

- D. ID 21-424 Consider approval of a resolution of the City Council of the City of Denton approving Civil Service Commissioner Lilyan Prado Carrillo's request for a leave of absence; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-424

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

The item was not presented and no discussion followed.

Council Member Armintor 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 21-425 Consider approval of a resolution of the City Council of the City of Denton confirming the Interim City Manager's appointment of Jaime Blanton to the Civil Service Commission to serve for the remainder of Civil Service Commissioner Lilyan Prado Carrillo's term, which expires on August 31, 2021; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-425

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 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

- F. AESA20-0006e 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 HAS POSTPONED THIS ITEM TO A FUTURE DATE TO CONTINUE TO FINALIZE SITE PLAN DETAILS. (AESA20-0006, Urban Logistics 35, Christi Upton)

POSTPONED TO AN EVENT CERTAIN - FINALIZATION OF SITE PLAN DETAILS

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

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

Mayor Pro Tem Davis moved to postpone the item to an event certain, being until the site plan was finalized. 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

- G. ID 21-428 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics, Committee on Persons with Disabilities, Health & Building Standards Commission, and Public Utilities Board.

APPROVED

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

The item was not presented and no discussion followed.

Council Member Armintor moved to appoint the nominees as noted 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

5. PUBLIC HEARINGS

- A. ID 21-242a 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.

ASSIGNED ORDINANCE NO. 21-242a

There were no registrations or call ins on the item.

The item was presented and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

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

- B. Z20-0013b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from General Office (GO) and Mixed-Use Regional (MR) Districts to Highway Corridor (HC) District on approximately 18.55 acres of land generally located on the southwest corner of the intersection of the I-35 Southbound Service Road and Barthold Road, 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 [5-1] to approve the request. (Z20-0013b, Loves Travel Stop, Julie Wyatt)

ASSIGNED ORDINANCE NO. Z20-0013b

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

The item was presented and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

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

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

NAYS (1): Council Member Armintor

- C. S20-0010c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a Bar, Tavern, or Lounge use on an approximately 0.451 acres of land, generally located on the southwest corner of Stroud Street and South Elm Street in the City of Denton, Denton County, Texas; 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 vote [6-0] to approve the request. (S20-0010c, 400 S Elm Bar Use, Sean Jacobson).

ASSIGNED ORDINANCE NO. S20-0010c

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

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted in Exhibit B.

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

Following discussion, Mayor Pro Tem Davis moved to adopt the item as presented. Motion seconded by Council Member Ryan. Motion carried.

AYES (4): Mayor Hudspeth, Mayor Pro Tem Davis and Council Members Baker and Ryan
NAYS (3): Council Members Johnson, Armintor, and Meltzer

- D. PD20-0002d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a rezoning from General Office (GO) and Rural Residential (RR) Districts to a Planned Development (PD) District on an approximately 90-acre property 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. A supermajority vote by the Council is required for approval. (PD20-0002d, Hirschbach, Julie Wyatt)
DENIED

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. See Exhibit B for details.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted in Exhibit B.

The meeting was recessed for a short break at 10:00 p.m. and reconvened at 10:16 p.m.

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

Following additional discussion, Council Member Meltzer moved to deny the item. Motion seconded by Mayor Pro Tem Davis. Motion carried to deny the item.

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

- E. Z20-0012b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, 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 APRIL 6, 2021 MEETING. (Z20-0012, Rayzor Ranch East Overlay Amendments, Hayley Zagurski).

POSTPONED TO APRIL 6, 2021

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

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

Council Member Ryan moved to postpone the item to April 6, 2021 as requested by Staff. 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


6. CONCLUDING ITEMS

Council Members expressed no items of interest.

With no further business, the meeting was adjourned at 10:37 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: April 6, 2021

EXHIBIT A
BOARDS & COMMISSIONS - NOMINATIONS LIST
March 16, 2021

Agenda item 4.G (ID 21-428)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Board of Ethics	1	Johnson-1	Ronnie Mohair	2018-2020 - UN	September 1, 2020 through August 31, 2022 UNEXPIRED	Reappointment Pref. Qualif. 6 - Pastor
Board of Ethics	7	Hudspeth-7	Dustin Pavelek	2018-2020	September 1, 2020 through August 31, 2022 UNEXPIRED	New Pref. Qualif. 3: Engineer
Committee on Persons with Disabilities	ALL - 4	All [Hudspeth-7]	Valda Morgan	2019-2020 - UN	September 1, 2020 through August 31, 2022 UNEXPIRED	Reappointment
Health & Building Standards Commission	ALL - ALT - 1	All [Armintor-5]	Cyndell Addison	2018-2020	July 1, 2020 through June 30, 2022 UNEXPIRED	Reappointment Qualif.: Other
Public Utilities Board	1	Johnson-1	Ben Jumper	N/A	September 1, 2019 through August 31, 2023 UNEXPIRED	New

March 16, 2021 City Council Regular Meeting - EXHIBIT B

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Aimee (Applicant)	Bissett	100 W Oak Street Ste. 100	Denton	PD20-0002d	Support	Telephone	Presented information to address concerns expressed both by citizens in the surrounding properties to the proposed project site and council members during their commentary. Use for the proposed building would be primarily for administrative support; predicts office traffic would be 197 trips/day, inspection & truck wash, truck repair shop, and fleet storage. Trucking traffic impact anticipated to be 100 trips/day. Covered landscape buffer, screening fence, fenced dog park, and landscape and tree plans. AS a community partner, brings business expansion (\$40 million capital investment), local employment, year-round training (2500-3000 hotel nights annually) with local spending, and green fleet technology.
Brian (Applicant)	Kollwies	Not Provided	N/A	PD20-0002d	Support	Telephone	Provided the history of Hirschbach's growth beginning in 1935 to present. Stated there is no on-site fueling at the site and Hirschbach is not a typical trucking company.
Jeff	Williams	8008 Oak Creek Lane	Denton	PD20-0002d	Support	Telephone	In support of the item. Does fit in with the Denton 2030 Plan, consistent with the zoning in the area. Has been vetted by staff for months. A recommendation has been made by Staff and the Planning & Zoning Commission. Great community investment. Will increase the tax base. Their tax base contribution would be equal to 130+/- homes.
Jeremy	Fykes	8205 Crooked Strick Lane	Denton	PD20-0002d	Support	Telephone	In support of the proposal, and it does fit in the 2030 Plan Council adopted. Statistics provided are true to current standings. The investment and economic development in the area is great. This is an opportunity to retain a business.
Marjorie	Hohlweiler	7900 Oak Creek Lane	Denton	PD20-0002d	Support	Online	Please rule in FAVOR of the rezoning to "GO" for this property for the best and highest use and the positive economic impact on the City of Denton.
Melissa	Lindelow	9406 Biscayne Boulevard	Dallas	PD20-0002d	Opposed	Telephone	An attorney representing other property owners in the adjacent properties adjacent to the proposed project area. Proposed use does not meet the zoning criteria. Concerned about the wording for allowances in the Planned Development. Requested Council deny the project.
Mike (Applicant)	Roberts	400 S. Elm Street	Denton	S20-0010c	Support	Telephone	Provided an overview of how the property, located at 400 S. Elm Street, for the proposed project was renovated. Initial plan was to be a BYOB venue; but based on concerns on how that type of operation would be regulated, have found it is difficult to regulate based on the amount of alcohol patrons are bringing in. Do want to limit alcohol consumption to two drinks per hour, will also give free water bottles to patrons during the time they are consuming alcohol.
Richard	Hayes	512 W Hickory Street	Denton	PD20-0002d	Opposed	Telephone	Requests Council deny the item. The Denton 2030 Plan is the plan for Dentons' growth. A trucking use is not progressive to that. The Plan needs to be followed; it was developed based on citizen-identified needs. Company reported an increase in staffing; but what was reported before the meeting to now at the meeting are not the same.
Robb	Dean	3324 El Dorado Drive	Denton	PD20-0002d	Support	Online	I would like to speak to the zoning request for the I Hirschbach Motor Lines purchase of 90 acres at Loop 288 near I 35 E.
Schula	Metzer	16950 Dallas Parkway	Dallas	PD20-0002d	Opposed	Telephone	As a real estate broker, represents a property owner of surrounding property along the proposed project site. Does support the increased growth of Hirschbach in Denton, but not at the proposed location. Trucks coming/going 24 hours a day, mechanical work, truck washing, and body work along the clock.
Sean	Terry	1800 Valley View Lane	Farmers Branch	PD20-0002d	Opposed	Telephone	Asks Council deny the application. Has a development called Kingsbridge and other properties around the proposed project site. Hirschbach is a good company and wants to see them grow, but has the same concerns as the home builders about the increased truck traffic and the effect to selling homes. They mentioned "training", but questioned what that is going to entail and will trainees be learning how to drive at the site. Does not want see trucks coming and going 24 hours a day. Again, a great company, just in the wrong location.

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Tracy	Miller	2217 Bolivar Street	Denton	PD20-0002d	Opposed	Telephone	In opposition to the item. Hundreds of tractor trailers, soon to be packed by school travelers, is not what needs to be there. As more homes are built along 288, increased traffic will make the area dangerous. Citizens don't know what will end up there. Received invite to participate with the Denton Plan 2030, but not sure that is being followed now. Zoning proposed for the project does not follow the planned zoning for the area. No mention of the homes that will be developed to the north of this site. Do want the business to expand in Denton, but better for it to be located elsewhere.

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.