

CITY OF DENTON CITY COUNCIL MINUTES

April 6, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, April 6, 2021, at 3:00 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.

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. 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 items:
 - Council Member Johnson: Items 3.B (21-580) and 3.C (21-595)
 - Mayor Pro Tem Davis: Item 3.C (21-595)
- The following item(s) were/was pulled for Individual Consideration:
 - Council Member Meltzer: Items 3.H (21-520) and 3.N (21-647)

3. Work Session Reports

- A. ID 20-2554 Receive a report, hold a discussion, and give staff direction regarding Audit Project 020 - Utility Payment Assistance Program.

The item was presented and discussion followed.

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

- B. ID 20-2320 Receive a report, hold a discussion, and give staff input regarding the naming applications for parks and trails as submitted by residents, local developers and the Parks and Recreation department.

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue with the Parks, Recreation and Beautification Board serving as the reviewing body, provide for a public input opportunity as presented, and provide for a summary of the proposed naming process.

- C. ID 21-207 Receive a report, hold a discussion, and give staff direction on the certified agenda process for closed meetings.

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue with the current process for the certified agendas for closed meetings.

- D. ID 21-550 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 department:

1. Public Works: Fleet - PRESENTED

The item was presented and discussion followed.

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

- E. ID 21-189 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- 1) Research and Informal Staff Report on Limits for Campaign Spending and Fundraising for City Election Campaigns in Texas

The item was presented and discussion followed.

- Item 21-189 (1) Research and Informal Staff Report on Limits for Campaign Spending and Fundraising for City Election Campaigns in Texas
 - No consensus for an Informal Staff Report.

The work session ended at 4:41 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:41 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-685 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consultation with the City's attorneys regarding legal issues, legal status, legal analysis, and legal strategy associated with potential litigation related to the delivery of power and wholesale energy supply as each relates to the DME electric power and gas portfolio and to the February winter storm, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

DELIBERATED

The closed meeting started at 5:00 p.m. and ended at 5:05 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 Called Meeting on Tuesday, April 6, 2021, at 6:31 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 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. 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. 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-O. During the Work Session held earlier in the day, Items 3.H (21-520) and 3.N (21-647) were pulled for Individual Consideration by Council Member Meltzer.

Mayor Pro Tem Davis moved to adopt the Consent Agenda, now consisting of Items 3.A-G, 3.I-M, and 3.O. 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

- A. ID 21-608 Consider approval of the minutes of March 16, March 23, 2021 (Joint Meeting with Public Utilities Board), and March 23, 2021.

APPROVED

- B. ID 21-580 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$100,000,000 in principal amount of "City of Denton General Obligation Refunding Bonds"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; enacting other provisions relating to the subject; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-580

- C. ID 21-595 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the second amendment to a contract between the City of Denton and Mega Promotions, Inc., amending the contract approved by City Council on June 5, 2018, for food and beverage concession services for the Parks and Recreation Department; said second amendment to extend the term of the contract to January 5, 2022; and providing an effective date (RFP 6650 - extending a contract with Mega Promotions, Inc., to January 5, 2022).

ASSIGNED ORDINANCE NO. 21-595

- D. ID 21-596 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 Stryker Sales, LLC, through its Medical Division, f/k/a Stryker Sales Corporation, for the purchase of ProCare maintenance and repair services for Stryker medical equipment for the Fire Department, which is the sole provider of these 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, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7501 - awarded to Stryker Sales, LLC, through its Medical Division, f/k/a Stryker Sales Corporation, in the five (5) year not-to-exceed amount of \$1,000,000.00).

ASSIGNED ORDINANCE NO. 21-596

- E. ID 21-597 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 John D. Sims, dba Industrial Contamination Extraction Service Inc. (ICES), for fuel island equipment repair and annual maintenance services for the Fleet Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7502 - awarded to John D. Sims, dba Industrial Contamination Extraction Service Inc. (ICES), 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 \$105,000.00).

ASSIGNED ORDINANCE NO. 21-597

- F. ID 21-598 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 Amigos Library Services for Courier Services for the Library; providing for the expenditure of funds therefor; and providing an effective date (RFP 7612 - awarded to Amigos Library Services, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$111,505.00).

ASSIGNED ORDINANCE NO. 21-598

- G. ID 21-600 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to utilize a contract through an interlocal agreement with the City of Midlothian, for the purchase of Emergency Medical Services (EMS) medical supplies for the City of Denton Fire Department, as awarded by City of Midlothian, contract number 2020-28; providing for the expenditure of funds therefor; and providing an effective date (File 7650 - awarded to Bound Tree Medical, LLC and Life-Assist Incorporated for a term ending on February 10, 2026, in the not-to-exceed amount of \$2,100,000.00).

ASSIGNED ORDINANCE NO. 21-600

- I. ID 21-529 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Landscape Maintenance Agreement with the Texas Department of Transportation for the purpose of providing all required maintenance of certain landscape and irrigation improvements located within the right of way of FM 2499 from FM 2181 to

IH 35E (the "Agreement"); authorizing the Interim City Manager, or her designee, to perform all obligations of the City under the Agreement, including the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-529

- J. ID 21-610 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation for the purpose of landscaping development within the right of way of FM 2499 from FM 2181 to IH 35E; authorizing the Interim City Manager, or her designee, to perform all obligations of the City under the Agreement, including the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-610

- K. ID 21-594 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating (i) a 0.031 acre public utility easement granted to the City of Denton by Bell Commercial, Ltd., recorded as Instrument No. 2006-19681 in the Real Property Records of Denton County, Texas and (ii) a 0.017 acre public utility easement granted to the City of Denton by Demab Corporation, recorded as Instrument No. 2007-36481 in the Real Property Records of Denton County, Texas; providing for severability and an effective date. (Sonic & Murphy Oil Addition, Utility Easement abandonments - Mark Laird)

ASSIGNED ORDINANCE NO. 21-594

- L. ID 21-602 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the Interim City Manager, or her designee, to approve a HIPAA Business Associate Agreement with XFERALL LLC, to provide a mobile application that serves to automate the patient transfer process between the Denton Police Department Mental Health Division Crisis Intervention Response Team and behavioral health facilities; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-602

- M. ID 21-603 Consider approval of a resolution of the City of Denton authorizing and approving execution by the Interim City Manager of a Memorandum of Understanding with Denton County Friends of the Family (DCFOF) to collaborate and make an application to the Office on Violence Against Women (OVW) for a grant from the OVW Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program (OVW Grant); ratifying all prior actions taken by the City in furtherance of the foregoing application; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-603

- O. ID 21-611 Consider approval of a resolution of the City of Denton providing the March 19, 2021 meeting absence by Human Services Advisory Committee member Nathaniel Johnson be excused; and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-611

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- H. ID 21-520 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Park Development Agreement between the City of Denton and Bloomfield Homes LP, for the dedication of park land at the Glenwood Meadows Development; authorizing acceptance of land; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-520

Pulled for Individual Consideration by Council Member Meltzer.

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 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

- N. ID 21-647 Consider approval of an ordinance of the City of Denton establishing the Development Code Review Committee as an Advisory Committee of the city; establishing the powers and duties of the Development Code Review Committee; repealing all ordinances and resolutions in conflict herewith; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-647

Pulled for Individual Consideration by Council Member Meltzer.

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

The item was presented not and no discussion followed.

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

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

NAYS (2): Council Members Armintor and Meltzer

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-318 Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2020-2021 budget and annual program of services of the City of Denton to allow for adjustments to the Risk Retention Fund of Two Million Dollars (\$2,000,000) for the

purpose of funding workers compensation claims and administration, and services associated with health programming; declaring a public purpose; providing a severability clause; an open meetings clause, and an effective date.

ASSIGNED ORDINANCE NO. 21-318

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

The item was presented and no discussion followed.

Council Member Armintor 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

- B. ID 21-229 Consider adoption of an ordinance of the City of Denton approving a joint election agreement and contract with Denton County for joint election services for the Regular Municipal Election being held on May 1, 2021 for the purpose of electing council members to Districts 1, 2, 3, and 4, and for a Runoff Election, if necessary, at a total estimated cost of \$60,587.45; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-229

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 presented and discussion followed.

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

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

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Davis

- C. ID 21-689 Consider nominations/appointments to the Development Code Review Committee.

APPROVED

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

The item was not presented.

Mayor Hudspeth moved to table the item to later in the evening to allow staff time to arrive and answer questions on the item. Motion to table seconded by Council Member Armintor. Motion to table carried.

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

Later in the meeting, by consensus of the City Council, the item was removed from the table; and the item was presented for a vote.

Mayor Pro Tem Davis moved to appoint the existing Denton Development Code Ad Hoc Committee members to this Committee. (See 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

- D. ID 21-679 Consider appointments to the Denton Police Department Chief of Police Advisory Board.

APPROVED

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

The item was not presented and no discussion followed.

Following commentary, Mayor Pro Tem Davis moved to appoint the nominees as noted in Exhibit A. 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

- E. ID 21-548 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee, Board of Ethics, Committee on Persons with Disabilities, Community Development Advisory Committee, Historic Landmark Commission, Human Services Advisory Committee, Planning & Zoning Commission, Sustainability Framework Advisory Committee, and Traffic Safety Commission.

APPROVED

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

The item was not presented and no discussion followed.

Following commentary, Mayor Pro Tem Davis moved to appoint the nominees as noted in Exhibit A. 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

5. PUBLIC HEARINGS

- A. Z20-0012c 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. (Z20-0012, Rayzor Ranch East Overlay Amendments, Hayley Zagurski).

ASSIGNED ORDINANCE NO. Z20-0012c

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

The item was presented and no discussion followed.

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

Following commentary, 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

6. ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED

- A. ID 21-497 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Park Development Agreement between the City of Denton and Allegiance Hillview, LP, for the dedication of park land and improvements at the Rayzor Ranch East Development; authorizing acceptance of land; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-497

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

The item was presented and discussion followed.

Following discussion, Council Member Meltzer moved to adopt the item as presented. Motion seconded by Council Member Johnson. 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 7:49 p.m.


GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS


ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: April 20, 2021

EXHIBIT A
BOARDS & COMMISSIONS - NOMINATIONS LIST
April 6, 2021

Agenda item 4.C (ID 21-689)

BOARD/COMMITTEE/COMMISSION	PLACE NO.	NOMINATING CCM	NOMINEE	PRESENT TERM	NEW TERM*	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Development Code Review Committee	CC-1	City Council	John Ryan	N/A	April 6, 2021 through August 31, 2021	City Council Member
Development Code Review Committee	CC-2	City Council	Jesse Davis	N/A	April 6, 2021 through August 31, 2021	City Council Member
Development Code Review Committee	CC-3	City Council	Birdia Johnson	N/A	April 6, 2021 through August 31, 2021	City Council Member
Development Code Review Committee	PZ-1	City Council	Andrew Rozell	N/A	April 6, 2021 through August 31, 2021	Planning and Zoning Commission Member
Development Code Review Committee	PZ-2	City Council	Margie Ellis	N/A	April 6, 2021 through August 31, 2021	Planning and Zoning Commission Member
Development Code Review Committee	PZ-3	City Council	Tim Smith	N/A	April 6, 2021 through August 31, 2021	Planning and Zoning Commission Member

Agenda item 4.D (ID 21-679)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	NOMINEE	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Denton Police Department Chief of Police Advisory Board	1	Johnson-1	Daniel Clanton	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	2	Baker-2	Rhonda Buckley	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	3	Davis-3	Kari Salyers	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	4	Ryan-4	Jill Jester	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	5	Armintor-5	Priscilla Yeverino	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	6	Meltzer-6	Katina Butler	N/A	May 1, 2021 to April 30, 2023	New
Denton Police Department Chief of Police Advisory Board	7	Hudspeth-7	Donald W. Thornton	N/A	May 1, 2021 to April 30, 2023	New

Agenda item 4.E (ID 21-548)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	NOMINEE	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Animal Shelter Advisory Committee	6	Meltzer-6	Anne Sullivan	2018-2020	September 1, 2020 through August 31, 2022	Reappointment Currently Qualif. 5 - Not involved in other
Board of Ethics	6	Meltzer-6	Patricia Reinke	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment Currently Pref. 9 - Lic. Prof. Counselor
Committee on Persons with Disabilities	6	Meltzer-6	Sara (Sally) Austin	2019-2020 - UN (Initial term for this seat was 1 year)	September 1, 2020 through August 31, 2022	Reappointment
Community Development Advisory Committee	5	Armintor-5	John Catlin	2020-2022 - UN	Unexpired September 1, 2020 through August 31, 2022	New
Historic Landmark Commission	2	Baker-2	Cassandra Berry	2018-2020 - UN	September 1, 2020 through August 31, 2022	Reappointment Currently Qualif. 6 - Other
Historic Landmark Commission	7	Hudspeth-7	Angie Stripling	2018-2020	September 1, 2020 through August 31, 2022	Reappointment Currently Qualif. 3: Owner of Real Property