

CITY OF DENTON CITY COUNCIL MINUTES
April 20, 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 20, 2021, at 2:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were 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 meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

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

- Clarification was requested on the following items:
 - None
- The following item(s) were pulled for Individual Consideration:
 - Council Member Armintor: Items 3.B (21-271) and 3.C (21-272)
 - Council Member Johnson: Item 2.C (21-272)

3. Work Session Reports

- A. ID 21-500 Receive a report, hold a discussion, and give staff direction regarding funding recommendations from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC) for the proposed activities to be included in the 2020-2022 Consolidated Plan for Housing and Community Development and 2021 Action Plan.

The item was presented and discussion followed.

Following discussion, results were to move forward with a combination of Options 1 and 2 as follows:

- Proceed with the proposed CDAC and HSAC Community Development Block Grant and HOME grant funding recommendations as presented to be included in the 2020-21 Action Plan Substantial Amendment and in the 2021-22 Action Plan submitted to HUD.

- B. ID 21-678 Receive a report, hold a discussion, and give staff direction regarding the Bowling Green Park master plan for the property located at 2200 Bowling Green Street.

The item was presented and discussion followed. Tricia Woliver, Project Manager with Pacheco Koch Consulting, also presented material on the item.

Following discussion, City Council consensus was to continue with Concept 2, the Concept 3 loop trail, Option 3 for parking which shall be discussed with the Committee on Persons with Disabilities, with the trail width to be determined after City Council reviews any recommendation(s) from the Committee on Persons with Disabilities.

- C. ID 21-680 Receive a report, hold a discussion, and give staff direction regarding the Villages of Carmel master plan for the park property located at 5493 Edwards Road.

The item was presented and discussion followed. Jeremy Blad, Principal/Co-Founder with Valley Quest Design, also presented on the item.

Following discussion, City Council consensus was to continue with the layout of 1A (incorporates the Barn), add in the nature theme and fold in the amphitheater feature, continue with the parking lot layout as shown on Slide 5 of the presentation, although if Post Oak project does occur, that would go away. Further, the item is to be presented to the Committee on Persons with Disabilities with City Council to review any recommendation(s) they may make.

The work session was recessed for a short break at 3:34 p.m. and reconvened at 3:48 p.m.

- D. ID 21-383 Receive a report, hold a discussion, and give staff direction regarding the Hartlee Field development project and a request for consideration of a public improvement district.

The item was presented and discussion followed. Phillip Thomson, Director with Taylor Morrison (developer), and Patrick Bourne, Principal at Sundance Analytics, also presented on the item.

The work session was recessed for a short break a 5:01 p.m. and reconvened at 5:16 p.m.

Following discussion, City Council consensus was to move forward as follows:

- Compile the PID analysis, which does not constitute formal approval of the PID;
- The Developer to begin moving their Comp Plan and PD requests forward while simultaneously moving the PID process forward;
- Staff seek an escrow agreement from developer and work with developer to complete the fiscal impact assessment; and
- Engage the City's financial advisor and bond counsel, and to initiate drafting of needed documents and statutorily required processes.

However, Staff was directed to meet first with the developer to determine whether or not they can continue with the feasibility of 10K property lots and increased commercial development on the proposed project site.

- E. ID 21-631 Receive a report, hold a discussion, and give staff direction regarding the FY 2020-21 Budget, Capital Improvement Program, Rates and Five-Year Financial Forecast for Water, Wastewater (Drainage), Solid Waste, and Electric Funds.

The item was presented only for the Electric Fund due to time constraints and discussion followed.

Following discussion, City Council consensus was to move forward as follows:

- Issue \$100 million in long-term bonds to refund the current ECP coming due May 20, 2021;
- Issue an additional \$40 million in ECP to cover purchased power expenses; and
- Return for discussion to consider changing the fund balance policy based on Staff's recommendation (\$100 million - \$150 million), at a future date.

Note: Presentation for the Water, Wastewater (Drainage), and Solid Waste Funds were rescheduled for a future work session.

The work session ended at 6:40 p.m.

CLOSED MEETING – NOT HELD

1. As noted above, the Closed Meeting was not held.

- A. ID 21-797 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. D-1-GN-21-001227, styled "City of Denton, Texas v. Electric Reliability Council of Texas (ERCOT)," pending in the 353rd Judicial District Court, Travis 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.

NOT DELIBERATED

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, April 20, 2021, at 6:51 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Hudspeth, Mayor Pro Tem 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 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)

Citizen comments received are noted in Exhibit A.

3. CONSENT AGENDA

The Consent Agenda consisted of Items 3.A-K. During the Work Session held earlier in the day, Items 3.B (21-271) and 3.C (21-272) were pulled for Individual Consideration by Council Member Armintor, and Item 3.C (21-272) was pulled for Individual Consideration by Council Member Johnson.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of Items 3.A and 3.D-K. 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 21-272 Consider approval of the minutes of April 6, 2021.

APPROVED

- D. ID 21-692 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 Assetworks, LLC, for the supply of Computer Maintenance Management Software (CMMS) for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 7380 - awarded to Assetworks, 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 \$519,390.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-692

- E. ID 21-693 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 Strong Data, Inc., for the purchase of scale house software for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7447 - awarded to Strong Data, 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 \$337,630.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-693

- F. ID 21-694 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 Zeit Energy, LLC, for the CNG Fuel Station Maintenance & Repairs for the Solid Waste & Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7604 - awarded to Zeit Energy, 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 \$150,000). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-694

- G. ID 21-695 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 Berry Companies, Inc., dba Bobcat of Dallas, through the Buy Board Cooperative Purchasing Network Contract #597-19, for the municipal lease of skid-steer loaders for various City departments; providing for the expenditure of funds therefor; and providing an effective date (File 7617 - awarded to Berry Companies, Inc., dba Bobcat of Dallas, 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 \$225,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-695

- H. ID 21-696 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the third amendment to a Bank Depository Services (Retail Image Lockbox Service) Reassignment Contract between the City of Denton and Remitco, LLC, amending the contract approved by City Council on April 26, 2016, to continue to provide utility lockbox payment processing services for Customer Service; said third amendment to extend the term of the contract to September 30, 2021; and providing an effective date (RFP 5962 - extending a contract with Remitco, LLC, to September 30, 2021).

ASSIGNED ORDINANCE NO. 21-696

- I. ID 21-697 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or their designee, to execute a Confidentiality and Non-Disclosure Agreement for external auditing services of the City's health plan claims between the City, United HealthCare Services, Inc., and BMI Audit Services, LLC; providing for a severability clause; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-697

- J. ID 21-699 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 LeadsOnline LLC, for the purchase of the Real Time Crime (RTC) Investigation System for the Police Department, 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 7645 - awarded to LeadsOnline 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 \$100,172.77).

ASSIGNED ORDINANCE NO. 21-699

- K. ID 21-688 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 an Interlocal Agreement with the Denco Area 9-1-1 District ("Denco"), under the Texas Government Code, Chapter 791, to authorize the City of Denton's contract use of Denco's Annex for a backup Emergency Communication Center and information technology support space; declaring an effective date.

ASSIGNED ORDINANCE NO. 21-688

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 21-271 Consider approval of a resolution of the City of Denton adopting a revised Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-271

Pulled for Individual Consideration by Council Member Armintor.

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 approve the item as presented and to include the reported addition of the Denton County Leadership Teams including descriptions and legislation (Behavioral Health, Homelessness, and Workforce Success). 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

- C. ID 20-2172 Consider adoption of an ordinance approving an agreement between the City of Denton and Hickory & Rail Ventures, LLC, regarding an economic development program for Stoke Denton; and providing an effective date. The Economic Development Partnership Board recommends approval (7-0).

ASSIGNED ORDINANCE NO. 20-2172

Pulled for Individual Consideration by Council Members Johnson and Armintor.

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

The item was presented and no discussion followed.

Following commentary, 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

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-588 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$30,180,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-588

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

Items 3.A (21-588) and 3.B (21-592) were collectively read into the record, presented, with no discussion following, but voted on individually.

Following commentary, Council Member Meltzer 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 21-592 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$130,660,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Wastewater System and Electric System projects; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-592

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

Items 3.A (21-588) and 3.B (21-592) were collectively read into the record, presented, with no discussion following, but voted on individually.

Council Member Ryan 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

- C. ID 21-613 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 Electric Fund of one hundred forty million dollars (\$140,000,000) for the purpose of purchasing power during the Winter Storm Uri event; declaring a public purpose; providing a severability clause; an open meetings clause and an effective date. The Public Utilities Board (PUB) recommends approval (6-0).

ASSIGNED ORDINANCE NO. 21-613

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

The item was presented and no discussion followed.

Following commentary, 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

- D. ID 21-414 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 Wärtsilä North America, Inc., for the supply of routine maintenance supplies and services for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7544 - awarded to Wärtsilä North America, 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 \$3,448,184.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-414

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

The item was presented and no discussion followed.

Following commentary, 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

- E. AESA20-0006f 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. (AESA20-0006, Urban Logistics 35, Christi Upton)

ASSIGNED ORDINANCE NO. AESA20-0006f

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 are noted in Exhibit A.

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

NAYS (1): Council Member Armintor

- F. ID 21-652 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Health & Building Standards Commission and Sustainability Framework Advisory Committee.

APPROVED

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

The item was not presented and no discussion followed.

Council Member Baker moved to appoint the nominees as noted in Exhibit B. 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

5. PUBLIC HEARINGS

- A. ID 21-645 Hold a public hearing and consider adoption of an ordinance of the City of Denton adopting Standards of Care for recreational care programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041(b)(14); and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 21-645

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 are noted in Exhibit A.

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 commentary, 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

- B. Z20-0014a 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 Residential 6 (R6) to a Light Industrial (LI) district on approximately 12.69 acres of land generally located on the east side of Geesling Road, approximately 320 feet south of E. University Drive 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 [5-0] to approve the request. THE APPLICANT HAS REQUESTED TO POSTPONE THIS ITEM TO A DATE CERTAIN OF MAY 4, 2021. (Z20-0014a, Geesling Road Industrial, Hayley Zagurski).

POSTPONED TO MAY 4, 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 May 4, 2021 as requested by the applicant. 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

6. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:06 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

May 4, 2021

April 20, 2021 City Council Regular Meeting - EXHIBIT A							
Speaker Commentaries/Registrations Online, Email, Phone							
Name	Last	Address	City	Agenda Item	Position	Method	Comments
Eva	Grecco	802 W. Oak Street Apt. 5	Denton	Open Mic	N/A	Telephone	Wanted to make the Mayor and Council aware that DCTA is taking buses away and setting up Uber type transportation. Stated she is opposed as this would be removing the public transportation aspect from the City.
Alison	Maguire	2208 Miranda Place	Denton	AESA20-0006f	Support	Online	This plan is a big improvement over the previous one. This plan strikes a good balance between the goals of infill development and preservation of trees, and it's wonderful that some of the preserved trees will be under a permanent environmental easement. I hope that council will require the property owners to keep a significant portion of the tree mitigation onsite, use native tree species, and ask that a larger treed area be placed under permanent conservation easement.

(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.

April 20, 2021 City Council Regular Meeting - EXHIBIT A							
Speaker Commentaries/Registrations Online, Email, Phone							
Name	Last	Address	City	Agenda Item	Position	Method	Comments
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EXHIBIT A
BOARDS & COMMISSIONS - NOMINATIONS LIST
April 20, 2021

Agenda item 4.F (ID 21-652)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Health & Building Standards Commission	7	Hudspeth-7	Greg Coward	N/A	Unexpired July 1, 2019 through June 30, 2021	New Qualif. 5: Representative from Plumbing Industry
Sustainability Framework Advisory Committee	ALL - 7	All [Hudspeth]	Jordan Fengel	N/A	Per Resolution 20-2575, draw straws at first meeting to determine term assignment	New Qualif.: Material Management

