

CITY OF DENTON CITY COUNCIL MINUTES

May 25, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, May 25, 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 Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

ABSENT: None

Also present were Interim City Manager Sara Hensley and First Assistant City Attorney Catherine Clifton.

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer, and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor participated in the work session, closed meeting and meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

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

- Clarification was requested on the following items:
 - None
- The following item was pulled for Individual Consideration:
 - None

3. Work Session Reports

- A. ID 21-926 Receive a report, hold a discussion, and give staff direction regarding a summary of prior and current federal funding related to COVID-19, an overview of the federal American Rescue Plan (ARP) Act of 2021, and a discussion for recommended goals and proposed uses for ARP funds received by the City of Denton.

The item was presented and discussion followed.

Following discussion, City Council consensus was to consider allocations to the following areas:

- public health resources (vaccinations);
- municipal broad band (assist with needs of citizens); and
- economic impact (Arts Community)

Staff was directed to provide an update at a future meeting and include priorities from Denton County regarding vaccinations.

- B. ID 21-866 Receive a report, hold a discussion, and give staff direction regarding the role of City Council Committees, membership to subcommittees and other internal/external groups, and their associated nomination/appointment processes.

The item related to Individual Consideration Item 2.I (21-1009) scheduled for consideration at the Special Called Meeting to follow later in the day.

The item was presented and discussion followed.

Following discussion, City Council consensus for City Secretary Rios to bring back updated listings reflecting the following as part of Individual Consideration Item 2.I (21-1009) to be considered during the Special Called Meeting to follow:

- Nominations made by respective council members;
- Preference modifications made by Council Members as applicable; and
- References to applicable legislation to each internal/external board as to the appointing authority.

- C. ID 21-442 Receive a report, hold a discussion, and give staff direction on a policy regarding qualifying expenses for tax exemption of historic sites.

The item was presented and discussion followed.

Following discussion, Interim City Manager Sara Hensley reported Staff would provide an update via the Friday Report on the main themes to provide City Council with a better understanding of what the main points of the discussion were and to assist Staff in moving forward with future research/community discussions. An additional work session on the item to be scheduled at a later date.

- D. ID 21-437 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- 1) Work session regarding the one-minute pitch process.
 - 2) Work session to discuss using ranked-choice voting for officers of Council, Committee, Commissions, and Boards.
 - 3) A work session on a City initiative to increase COVID vaccine access.
- Item 21-437 (1) Work session regarding the one-minute pitch process.
 - Consensus for a future work session.

- Item 21-437 (2) Work session to discuss using ranked-choice voting for officers of Council, Committee, Commissions, and Boards.
 - Consensus for a future work session.
- Item 21-437 (3) A work session on a City initiative to increase COVID vaccine access.
 - Consensus for a future work session.

The work session ended at 4:38 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:38 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 21-1046 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Receive a presentation from staff regarding public power competitive and financial matters about the risks of wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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 item related to Individual Consideration Item 2.A (21-765), scheduled for consideration at the Special Called Meeting to follow later in the day.

- B. ID 21-1047 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Receive a presentation from staff regarding public power competitive and financial matters about the delivery of power, wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio and to the February winter storm; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues, legal status, legal analysis, and legal strategy associated with the above matters and pending and potential litigation, including release of related confidential information, 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 6:05 p.m. No votes or actions were taken during the closed meeting.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, May 25, 2021, at 6:18 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

ABSENT: None

Also present were Interim City Manager Sara Hensley and First Assistant City Attorney Catherine Clifton.

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer, and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor participated in the work session, closed meeting and meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

1. CONSENT AGENDA

The Consent Agenda consisted of Items 1.A-F. No items were pulled for Individual Consideration.

Mayor Pro Tem Meltzer moved to adopt the Consent Agenda as presented. Motion seconded by Council Member Beck. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

A. ID 21-974 Consider approval of the minutes of May 11, 2021.

APPROVED

B. ID 21-792 Consider adoption of an ordinance of the City of Denton granting the Denton Juneteenth Celebration Committee a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton Juneteenth Celebration, which will be held on Friday, June 18 through Saturday, June 19, 2021, at Fred Moore Park; granting an increase in sound levels from 70 to 75 dba and a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-792

- C. ID 21-812 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship to the Denton Juneteenth Celebration Committee in an amount not to exceed \$26,525.00 of in-kind services and resources for the Denton Juneteenth Celebration, which will be held on Friday, June 18 through Saturday, June 19, 2021, at the Fred Moore Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-812

- D. ID 21-956 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 Change Healthcare Technology Enabled Services, LLC, for the preparation and submittal of the Texas Ambulance Supplemental Payment Program reimbursement for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7521 - awarded to Change Healthcare Technology Enabled Services, LLC, for a three (3) year, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$180,000.00).

ASSIGNED ORDINANCE NO. 21-956

- E. ID 21-957 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 Hart Halsey, LLC dba Extra Duty Solutions, for Public Safety Off-Duty Management Software for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7597 - awarded to Hart Halsey, LLC dba Extra Duty Solutions, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year term).

ASSIGNED ORDINANCE NO. 21-957

- F. ID 21-968 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 Russ Bassett Corporation, through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program Contract Number EC07-20 - 9-1-1 Equipment & Services, for the purchase and installation of eighteen (18) 9-1-1 Public Safety Answering Point (PSAP) Consoles for Public Safety Communications/Technology Services Department; providing for the expenditure of funds therefor; and providing an effective date (File 7685 - awarded to Russ Bassett Corporation, in the not-to-exceed amount of \$403,022.55).

ASSIGNED ORDINANCE NO. 21-968

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-765 Consider adoption of an ordinance of the City Council of the City of Denton repealing Ordinance No. 20-420; approving the 2021 Denton Municipal Electric - Energy Risk Management Policy; delegating authority as provided in the 2021 ERMP; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses,

directions, instruments, confirmations, orders, and statements as are authorized by the 2021 ERMP, which are incident to or related thereto; confirming that the City of Denton, its Mayor, its City Council members, its City Manager, or designees, its City Attorney, or designees, and its City Secretary, or designees, are authorized to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2021 ERMP; finding that the purchase of electricity, natural gas, and related commodities and instruments are exempt from the requirements of competitive bidding; finding that the purchase of electric energy, natural gas and related commodities and instruments made by the city under the terms of the 2021 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; and, providing an effective date.

ASSIGNED ORDINANCE NO. 21-765

The item related to Closed Meeting Item 1.A (21-1046) deliberated earlier in the day.

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

The item was presented and discussion followed.

Following discussion, Council Member Beck moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

- B. ID 21-953 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 public works contract with Mountain Cascade of Texas, LLC, for the construction of the Hickory Creek Interceptor, Phase I and II Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7252 - awarded to Mountain Cascade of Texas, LLC, in the not-to-exceed amount of \$7,534,784.25).

ASSIGNED ORDINANCE NO. 21-953

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

The item was presented and discussion followed.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

- C. ID 21-955 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 Viking Construction, Inc., for Micro Surfacing Services for the Streets Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7619 - awarded to Viking Construction, Inc., for one (1) year, with the option for three (3) additional one (1) year extensions, in the total four (4) year not-to-exceed amount of \$4,400,000.00).

ASSIGNED ORDINANCE NO. 21-955

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

The item was presented and discussion followed.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

- D. ID 21-970 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to authorize the spend for an insurance binder to Archer Contingent Energy Risk, LLC, for forced outage insurance of the Denton Energy Center for the Summer of 2021; providing for the expenditure of funds therefor; and providing an effective date (RFP 7686 - authorizing the spend for Power Plant Forced Outage Insurance Coverage or Products and awarding such insurance binder to Archer Contingent Energy Risk, LLC, in the Summer 2021 not-to-exceed amount of \$975,000.00).

ASSIGNED ORDINANCE NO. 21-970

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

The item was presented and discussion followed.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

- E. HL21-0001a Consider approval of a resolution of the City of Denton, Texas approving an application for a partial tax exemption of designated historic sites, in accordance with Chapter 10, Article VI, Sections 10-126 through 10-129 of the Denton Municipal Code of Ordinances, for a Local Historic Landmark, located at 1003 West Oak Street in the Oak-

Hickory Historic District (OHH), generally located on the south side of West Oak Street, between Denton Street and Welch Street; providing for severability; and providing an effective date. (HL21-0001a, 1003 W Oak Street - Tax Exemption, Cameron Robertson)

ASSIGNED RESOLUTION NO. HL21-0001a

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

The item was presented and discussion followed.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

- F. ID 21-1055 Consider approval of a resolution confirming City Council's prior policy direction on public meetings strategy and transition back to in-person meetings.

ASSIGNED RESOLUTION NO. 21-1055

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

Items 2.F (21-1055) and 2.G (21-1022) were collectively read into the record, presented, and discussed, but voted on individually.

Following discussion, Council Member Beck moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (5): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, and Davis

NAYS (2): Council Members Maguire and Armintor

- G. ID 21-1022 Consider adoption of an ordinance of the City of Denton repealing and replacing City of Denton Code of Ordinances Section 2-29 (City Council Rules of Procedure); providing for a severability clause; providing for codification; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1022

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

Items 2.F (21-1055) and 2.G (21-1022) were collectively read into the record, presented, and discussed, but voted on individually.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Armintor.

Council Member Armintor offered a friendly amendment to Council Member Davis to add additional changes to various sections (not germane to the posting). Council Member Davis did not accept the friendly amendment.

Mayor Hudspeth republished Council Member Davis' motion, seconded by Council Member Armintor, to adopt the item as presented. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire and Armintor

NAYS (0): None

The meeting was recessed for a short break at 7:44 p.m. and reconvened at 7:51 p.m.

- H. ID 21-975 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Planning & Zoning Commission.

APPROVED

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

The item was not presented and no discussion followed.

Mayor Pro Tem Meltzer moved to appoint the nominees as noted in Exhibit A. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

- I. ID 21-1009 Consider appointments to City Council Committees, Development Code Review Committee, Dallas Regional Mobility Coalition, Discover Denton Advisory Board, Lake Ray Roberts P&Z Commission, and Denton County Leadership Teams (Behavioral Health, Homelessness, and Workforce Success).

POSTPONED TO JUNE 8, 2021

The item related to Work Session Item 3.B (21-866) presented earlier in the day.

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

The item was presented and discussion followed.

The meeting was recessed for a short break at 8:10 p.m. and reconvened at 8:18 p.m.

Following discussion, Council Member Davis moved approval of Mayor Hudspeth's nominations to the Committee on the Environment, Committee on Community Engagement, Community Partnership Committee, Mobility Committee, Discover Denton Advisory Board, Council Airport Committee, Council Audit Finance Committee, Lake Ray Roberts P&Z Commission, Development Code Review Committee, and Denton County Workforce Success Leadership Team as initially presented. Motion seconded by Mayor Hudspeth.

Discussion continued.

Mayor Pro Tem Meltzer moved to postpone the item to the next regular meeting and to allow for a resolution to address the manner of appointments. Motion seconded by Council Member Armintor.

Discussion continued during which Mayor Pro Tem Meltzer clarified the date certain for his motion to postpone the item was June 8, 2021.


Following discussion, Mayor Hudspeth called the vote on Mayor Pro Tem Meltzer's motion, seconded by Council Member Armintor, to postpone the item to June 8, 2021 and to allow for a resolution to address the manner of appointments. Motion carried.

AYES (4): Mayor Pro Tem Meltzer and Council Members Beck, Maguire, and Armintor
NAYS (3): Mayor Hudspeth and Council Members Byrd and Davis


3. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:40 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ZOLAINA PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: June 15, 2021

EXHIBIT A
BOARDS & COMMISSIONS - NOMINATIONS LIST
May 25, 2021

Agenda item 2.H (ID 21-975)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Planning & Zoning Commission	2	Beck-2	Eric Pruett	N/A	Unexpired September 1, 2019 through August 31, 2021	New