

CITY OF DENTON CITY COUNCIL MINUTES

August 3, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 3, 2021, at 2:00 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth and Council Members Vicki Byrd, Brian Beck, Alison Maguire, and Deb Armintor

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer

ABSENT: Council Member Jesse Davis

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

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 Maguire: Item 3.F (21-1528)
 - Council Member Byrd: Item 3.G (21-1529)
 - Council Member Beck: Item 3.F (21-1528)
- The following item(s) were pulled for Individual Consideration:
 - Council Member Maguire: Item 3.I (21-1568)
 - Mayor Pro Tem Meltzer on behalf of Council Member Davis: Items 3.E (21-1495) and 3.I (21-1568)
 - Council Member Armintor: Items 3.B (21-1311) and 3.C (21-1312)
 - Council Member Beck: Items 3.B (21-1311) and 3.C (21-1312)

3. Work Session Reports

- A. ID 21-1278 Receive a report, hold a discussion, and give staff direction regarding the Comprehensive Plan Update, other Plan updates, and Form-Based Code.

The item was presented and discussion followed.

Ed Boik, Project Manager with Matrix, also presented on the item.

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

- B. ID 21-1629 Receive a report, hold a discussion, and provide direction on a proposed data center project on property leased from the City at the Denton Energy Center.

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with negotiations on a power purchase agreement (PPA) and Lease Agreement. Staff to provide answers to inquiries as part of the Friday Report.

The work session ended at 5:25 p.m.

CLOSED MEETING – NOT HELD

1. The City Council did not convene into a Closed Meeting; therefore, the following item was not considered.

- A. ID 21-1656 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding legal issues associated with pending cases before the Public Utilities Commission of Texas identified as docket numbers 52321, 52322, and 52364 where 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 otherwise compromise the City's legal position.

NOT DELIBERATED

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, August 3, 2021, at 6:31 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

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

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer

ABSENT: None

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

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. Review of procedures for addressing the City Council.

PRESENTED

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

a. Ms. Yeldell Nell, 516 E Prairie Street, regarding waste water and the current epidemic.

NOT PRESENTED

2) Additional Citizen Reports (Open Microphone)

None

3. CONSENT AGENDA

The Consent Agenda consisted of Items 3.A-N. During the Work Session held earlier in the day, Items 3.B (21-1311) and 3.C (21-1312) were pulled for Individual Consideration by Council Member Armintor, Items 3.B (21-1311) and 3.C (21-1312) were pulled for Individual Consideration by Council Member Beck, Items 3.E (21-1495) and 3.I (21-1568) were pulled for Individual Consideration by Council Member Davis, and Item 3.I (21-1568) was pulled for Individual Consideration by Council Member Maguire.

Council Member Maguire moved to adopt the Consent Agenda, now consisting of Items 3.A, D, F-H, J and K-N. 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

- A. ID 21-1354 Consider the approval of the minutes for July 20, 2021.

APPROVED

- D. ID 21-1572 Consider approval of a resolution of the City of Denton providing the July 12, 2021 meeting absence of a Public Utilities Board Member be excused; and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-1572

- F. ID 21-1528 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on January 14, 2020, in the not-to-exceed amount of \$922,800.00; amended by Amendment 1 approved by City Council; said second amendment to provide utility conflict analysis, surveying, easement acquisition, design, bidding, and construction administration services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35E Right-of-Way; providing for the expenditure of funds therefor; and providing an effective date (File 6590-084 - providing for an additional second amendment expenditure amount not-to-exceed \$217,500.00, with the total contract amount not-to-exceed \$1,305,300.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 21-1528

- G. ID 21-1529 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 Ameri-Mex Contractors, Inc., for the rehabilitation of a residential property located at 2317 Bowling Green Street, Denton, TX under the City of Denton Home Improvement Program; providing for the expenditure of funds therefor; and providing an effective date (RFP 7698 - awarded to Ameri-Mex Contractors, Inc., in the not-to-exceed amount of \$159,830.00).

ASSIGNED ORDINANCE NO. 21-1529

- H. ID 21-1530 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 Sigma Surveillance, Inc. dba STS360, through the Department of Information Resources (DIR) Cooperative Purchasing Network, Contract No. DIR-TSO-4247, for the acquisition of Axis camera security products and related services for the Technology Services Department; providing for the expenditure of funds therefor; and providing an effective date (File 7746 - awarded to Sigma Surveillance, Inc. dba STS360, in the five (5) year not-to-exceed amount of \$950,000.00).

ASSIGNED ORDINANCE NO. 21-1530

- J. ID 21-1614 Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Saturday, September 18, 2021, from 12:00 p.m. to 11:00 p.m., and Sunday, September 19,

2021, from 10:00 a.m. to 9:00 p.m., at the Quakertown Park, upon satisfying certain conditions; authorizing Interim City Manager, or her designee, to execute an Agreement in conformity with this Resolution; and providing for an effective date.

ASSIGNED RESOLUTION NO. 21-1614

- K. ID 21-1618 Consider adoption of an ordinance of the City of Denton granting the Denton Black Chamber of Commerce a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for the Denton Blues Festival, which will be held on Friday, September 17, 2021 from 8:00 a.m. to 8:00 p.m., Saturday, September 18, 2021 from 12:00 p.m. to 11:00 p.m., and Sunday, September 19, 2021, from 10:00 a.m. to 9:00 p.m., at the Quakertown Park; granting an increase in sound levels and a variance in the hours of operation on said dates for Friday from 8:00 a.m. to 8:00 p.m., Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 9:00 p.m., with sound not to exceed 70 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1618

- L. ID 21-1628 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship to the North Texas State Fair Association in an amount not to exceed \$7,120 of in-kind services and resources for the Annual North Texas Fair and Rodeo Parade, which will be held on Saturday, August 21, 2021, at 10:00 a.m., at the historic downtown square; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1628

- M. ID 21-1645 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$25,128 of in-kind services and resources for the Denton Blues Festival, which will be held on Friday, September 17, 2021, from 8:00 a.m. to 8:00 p.m., Saturday, September 18, 2021, from 12:00 p.m. to 11:00 p.m., and Sunday, September 19, 2021, from 10:00 a.m. to 9:00 p.m., at the Quakertown Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1645

- N. ID 21-1657 Consider an ordinance ratifying intervention by the City in cases filed before the Public Utilities Commission of Texas regarding the financing of debt obligations from Winter Storm Uri under docket numbers 52321 and 52322; directing the Interim City Attorney to represent the interests of the City in parallel docket 52364; authorizing retention of the firm of Lloyd Gosselink Rochelle & Townsend, P.C., to represent the City in same; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1657

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 21-1311 Consider approval of a resolution of the City of Denton providing for removal for cause of a Member of the Committee on Persons with Disabilities, in accordance with Article XIV, Section 14.16 of the Denton City Charter; providing notice; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-1311

Pulled for Individual Consideration by Council Members Beck and Armintor.

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

Items 3.B (21-1311) and 3.C (21-1312) were collectively read into the record, clarified, and discussed, but voted on individually.

Following discussion, Council Member Armintor moved to deny the item as presented. Motion seconded by Council Member Maguire. Motion to deny failed.

AYES (3): Mayor Hudspeth and Council Members Maguire and Armintor

NAYS (4): Mayor Pro Tem Meltzer and Council Members Byrd, Beck, and Davis

Following additional discussion, Council Member Davis moved to approve the item as presented for the removal of Sam Alphonse. Motion seconded by Council Member Beck. Motion carried.

AYES (4): Mayor Pro Tem Meltzer and Council Members Byrd, Beck, and Davis

NAYS (3): Mayor Hudspeth and Council Members Maguire and Armintor

- C. ID 21-1312 Consider approval of a resolution of the City of Denton providing for removal for cause of a Member of the Traffic Safety Commission, in accordance with Article XIV, Section 14.16 of the Denton City Charter; providing notice; and providing an effective date.

ASSIGNED RESOLUTION NO. 21-1312

Pulled for Individual Consideration by Council Members Beck and Armintor.

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

Items 3.B (21-1311) and 3.C (21-1312) were collectively read into the record, clarified, and discussed, but voted on individually.

Council Member Davis moved to approve the item as presented for the removal of Kevin Sample. Motion seconded by Council Member Beck. Motion carried.

AYES (4): Mayor Pro Tem Meltzer and Council Members Byrd, Beck, and Davis

NAYS (3): Mayor Hudspeth and Council Members Maguire and Armintor

- E. ID 21-1495 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or their designee, to execute an Interlocal Cooperative Purchasing Agreement with Denton County, to provide property tax billing and collections services for the City of Denton; providing a savings clause; and providing an effective date (File 7773 - award an Interlocal Purchasing Agreement with Denton County).

ASSIGNED ORDINANCE NO. 21-1495

Pulled for Individual Consideration by Mayor Pro Tem Meltzer on behalf of Council Member Davis.

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

Council Member Davis had a conflict of interest and left the Council Chambers.

The item was not presented or discussed.

Council Member Maguire moved to adopt the item as presented. Motion seconded by Council Member Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Maguire, and Armintor

NAYS (0): None

ABSTAIN (1): Council Members Davis

- I. ID 21-1568 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute an Agreement for transportation with Denton Independent School District for use of buses for transportation for Denton Parks and Recreation camp programs; 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. 21-1568

Pulled for Individual Consideration by Mayor Pro Tem Meltzer on behalf of Council Member Davis, and also by Council Member Maguire.

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

Council Members Davis and Maguire had a conflict of interest and left the Council Chambers.

The item was not presented or discussed.

Council Member Armintor moved to adopt the item as presented. Motion seconded by Council Member Beck. Motion carried.

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

NAYS (0): None

ABSTAIN (2): Council Members Davis and Maguire

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. A21-0001 Consider adoption of an ordinance of the City of Denton, Texas regarding a Municipal Services Agreement, pursuant to Tex. Loc. Govt. Code Sec. 43.0672, between the City of Denton and the Harris Ranch Ownership as defined herein for the provision of City services to approximately 247.78 acres of land, generally located on the southwest corner of I-35 North and the future extension of Loop 288; approving a schedule of annexation; authorizing the City Manager to execute the agreement, and providing an effective date. (A21-0001, Harris Ranch, Ron Menguita)

ASSIGNED ORDINANCE NO. A21-0001

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 Hudspeth. Motion carried.

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

NAYS (0): None

5. PUBLIC HEARINGS

- A. Z21-0005a 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 Mixed-Use Neighborhood (MN) and Residential 4 (R4) Districts to a Residential 6 (R6) district on approximately 0.326 acres of land generally located southeast of the intersection of Robertson Street and Skinner Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [6-0] to approve the request. (Z21-0005a, 418 Robertson Duplex, Cameron Robertson).

REMANDED BACK TO THE PLANNING AND ZONING COMMISSION

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 A.

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

Following discussion, Council Member Armintor moved to remand the item to the Planning and Zoning Commission to further review and hold a neighborhood meeting. 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

- B. Z20-0005c 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 Mixed-Use Regional (MR) District to Light Industrial (LI) District on approximately 142 acres of land generally located at the southwest corner of the I-35 Southbound Service Road and FM 1173 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 recommend approval the request. (Z20-0005c, Denton Commerce Center, Julie Wyatt)

ASSIGNED ORDINANCE NO. Z20-0005c

The item related to Public Hearing Item 5.C (CA21-0001a) scheduled for consideration later in the day.

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 A.

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

- C. CA21-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a Comprehensive Plan Amendment to modify the Roadway Component Map of the Mobility Plan to remove a section of future Cindy Lane generally located west of the I-35 Southbound Service Road, extending 4300 feet south of the future Loop 288 extension and 5100 feet north of the future Loop 288 extension, in the City of

Denton, Denton County, Texas; adopting an amendment to the City's official Mobility Plan; 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 (4-2) to recommend approval of the request. (CA21-0001a, Denton Commerce Center, Julie Wyatt)

ASSIGNED ORDINANCE NO. CA21-0001a

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

The item related to Public Hearing Item 5.B (Z20-0005c) considered earlier in the day.

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 further discussion, Mayor Pro Tem Meltzer moved to adopt the item as presented. 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

- D. Z21-0002b 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 Planned Development (PD) District and Light Industrial (LI) District to General Office (GO) District on approximately 24.93 acres of land, and from Planned Development (PD) District to Mixed-Use Neighborhood (MN) District on approximately 23.47 acres, and from Planned Development (PD) District to Light Industrial (LI) District on approximately 9.7 acres, totaling approximately 58.55 acres, generally located on the southeast corner of the intersection of University Drive and Loop 288, 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 6-0 to approve the request. (Z21-0002b, Prominence, Sean Jacobson)

ASSIGNED ORDINANCE NO. Z21-0002b

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 A.

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

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

- E. A21-0001a Hold a public hearing and consider a petition for voluntary annexation of approximately 247.78 acres of land, generally located on the southwest corner of I-35 North and the future extension of Loop 288 by the City of Denton, Denton County, Texas. (A21-0001a, Harris Ranch, Ron Menguita)

APPROVED

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

The item related to Individual Consideration Item 6.A (A21-0001b) considered earlier in the day.

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.

Council Member Davis 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

6. ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED

- A. A21-0001b Conduct the first of two readings of an ordinance of the City of Denton, Texas annexing approximately 247.78 acres of land, generally located on the southwest corner of I-35 North and the future extension of Loop 288 by the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and provide for a savings clause and an effective date. (A21-0001b, Harris Ranch, Ron Menguita)

Note: There was no ordinance number assigned as this was the first of two required readings.

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

The item related to Public Hearing Item 5.E (A21-0001a) considered earlier in the day.

The item was briefly presented and no discussion followed.

The following was read into the record for the first reading:

An ordinance of the City of Denton, Texas annexing approximately 247.78 acres of land, generally located on the southwest corner of I-35 North and the future extension of Loop 288 by the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and provide for a savings clause and an effective date.

There was no action taken as the item was presented for the purpose of conducting the first reading.

7. **CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 9:23 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



CATHY WELBORN
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: August 24, 2021

August 3, 2021 City Council Regular Meeting - EXHIBIT A

**Speaker Commentaries/Registrations
Online, Email, Phone**

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Chris	Watts	419 S Carroll Boulevard, Ste. 1B	Denton	Z21-0005a	N/A	Telephone	Posed question on how four units per acre can go on a third of an acre and advised it does not seem to comply with the code.
Justin	Beedle (Applicant)	1445 County Road 223	Collinsville	Z21-0005a	Support	In Person	Responded to questions on the proposed project from City Council Members.
Todd	Finley (Applicant)	300 Crescent Court Ste 1425	Dallas	Z20-0005c	Support	In Person	Provided an overview of the proposed project.
Lee	Alison (Applicant)	2415 N Elm Street	Denton	Z21-0002b	Support	In Person	Provided an overview of the proposed project.

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.