

CITY OF DENTON CITY COUNCIL MINUTES

September 21, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, September 21, 2021, at 3:03 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, and Alison Maguire

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer and Council Members Jesse Davis and Deb Armintor

ABSENT: None

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

The posted agenda noted the registration process for both in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. Both in-person, call-in, and online comments received are reflected in the exhibit to the minutes of this meeting.

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 Beck: Items 4.R (21-1872) and 4.AE (21-1953)
 - Council Member Byrd: Items 4.Q (21-1919), 4.V (21-1878), and 4.AD (21-1662)
- The following item was pulled for Individual Consideration:
 - Council Member Armintor: Item 4.AE (21-1953)

3. Work Session Reports

NOTE: The items are listed in the order presented/discussed.

- B. ID 21-1836 Receive a report, hold a discussion, and give staff direction regarding the FY21-22 City Council Priorities and other items as discussed during the Annual City Council Retreat.

The item was presented and discussion followed.

Following discussion, no changes were requested by City Council. Staff reported they would look at creating guidelines with categories to better standardize how City Council Members could communicate their priority for City Council requests made through the pitch process.

- D. ID 21-1894 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item related to Individual Consideration Item 5.A (21-1986) scheduled for later in the day.

The item was presented and discussion followed.

Following discussion, there was no direction provided by City Council. Staff will continue to provide updates during future work sessions.

- A. ID 21-1835 Receive a report from the City of Denton's current Denton County Transportation Authority Board of Directors appointee and hold a discussion.

The item was presented and discussion followed.

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

Council Member Davis arrived at 4:16 p.m.

- C. ID 21-1750 Receive a report, hold a discussion, and give staff direction regarding the proposed interactive fountain at the Rayzor Ranch property, 3230 Heritage Trail.

The item was presented and discussion followed.

Following discussion, City Council consensus was for Staff to review funding options to be presented at a future work session.

- E. ID 21-1273 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- 1) A work session to discuss directing the Public Art Committee to explore commissioning a statue of Abner Haynes, to be installed on City property.

- Item 21-1273 1) A work session to discuss directing the Public Art Committee to explore commissioning a statue of Abner Haynes, to be installed on City property.
 - Consensus for a future work session.

The work session ended at 5:58 p.m.

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, September 21, 2021, at 8:10 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, and Alison Maguire

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer, and Council Members Jesse Davis and Deb Armintor

ABSENT: None

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

The posted agenda noted the registration process for both in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. Both in-person, call-in, and online comments received are reflected in the exhibit to the minutes of this meeting.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag and B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

A. ID 21-1822 Proclamation: Fire Prevention Week
PRESENTED

B. ID 21-1644 Proclamation: Live United Month
PRESENTED

C. ID 21-1820 Proclamation: Constitution Week
PRESENTED

D. ID 21-1855 Proclamation: Tim Sanchez Remembrance Day
PRESENTED

E. ID 21-1978 Presentation: Recognition of service in Finance
NOT PRESENTED; RESCHEDULED FOR A FUTURE DATE

3. **PRESENTATION FROM MEMBERS OF THE PUBLIC**

A. Review of procedures for addressing the City Council.
NOT PRESENTED DUE TO TECHNICAL DIFFICULTIES

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

a. Ms. Kim Cloud, 2221 Hwy 407, regarding the "Bedtime Rescue" program, providing temporary housing to homeless families to the Denton community.
PRESENTED

b. Mr. Patrick Comiskey, 4200 Plumbago Dr., regarding agricultural use of property and permitting of improvements at 6501 Shiloh Road and 6505 Shiloh Road.
PRESENTED

2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted in Exhibit A.

4. **CONSENT AGENDA**

The Consent Agenda consisted of Items 4. A-AF. During the Work Session held earlier in the day, Item 4.AE (21-1953) was pulled for Individual Consideration by Council Member Armintor.

Council Member Beck moved to adopt the Consent Agenda, now consisting of Items 4.A-AD and AF. 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

A. ID 21-2063 Consider the approval of the minutes for September 13, 2021
APPROVED

- B. ID 21-1353 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Committee on Persons with Disabilities, Community Services Advisory Committee, and Traffic Safety Commission.

APPROVED

Appointments listed on Exhibit B.

- C. ID 21-1723 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and CASA of Denton County; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed Six Hundred dollars (\$600); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1723

- D. ID 21-1724 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Children's Advocacy Center for Denton County; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed two hundred dollars (\$250); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1724

- E. ID 21-1728 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and the Denton African American Scholarship Foundation, Incorporated for the Denton Black Film Festival; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed One Hundred dollars (\$100); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1728

- F. ID 21-1729 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and the Denton Black Chamber of Commerce; authorizing the City Manager to execute said agreement; providing for the expenditure of Council Contingency funds in an amount not to exceed Nine Hundred dollars (\$900); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1729

- G. ID 21-1731 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton Community Food Center; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed Five Hundred Sixty-Seven dollars (\$567); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1731

- H. ID 21-1733 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton Music and Arts Collaborative; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed one thousand sixty-six dollars (\$1,066.00); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1733

- I. ID 21-1735 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Giving Hope, Inc.; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed seven hundred dollars (\$700.00); and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1735

- J. ID 21-1736 Consider adoption of an ordinance of the city of Denton authorizing a service agreement between the City of Denton and Breakfast Kiwanis Club of Denton; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed two hundred dollars (\$200); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1736

- K. ID 21-1737 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Boy Scout Troop 65 - 1918 Foundation; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed one thousand seven hundred dollars (\$1,700); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1737

- L. ID 21-1740 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and New Generation Childcare Center; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed one thousand dollars (\$1,000); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1740

- M. ID 21-1741 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Solutions of North Texas; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed eight hundred fifty dollars (\$850); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1741

- N. ID 21-1742 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and United Way of Denton County; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed five hundred dollars (\$500); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1742

- O. ID 21-1743 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Project Hope; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed two hundred dollars (\$200); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1743

- P. ID 21-1744 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Hallie's Heroes, Inc.; authorizing the City Manager to execute said agreement; providing for the expenditure of council contingency funds in an amount not to exceed five hundred sixty-seven dollars (\$567); and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1744

- Q. ID 21-1919 Consider approval of a resolution of the City of Denton authorizing the submission of an application to the Texas Parks and Wildlife Department (TPWD) Local Parks Grant Program 2022 in the amount of \$621,562 for the materials and construction of a park site on the Villages of Carmel Property; and providing for an effective date.

ASSIGNED RESOLUTION NO. 21-1919

- R. ID 21-1872 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with NTS Mikedon dba National Trench Safety, LLC, for the rental of trench and confined space entry safety equipment for the Water Distribution, Wastewater Collections, and Drainage Departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7653 - awarded to NTS Mikedon dba National Trench Safety, 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 \$350,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1872

- S. ID 21-1873 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Robert Wyatt Contracting, LLC, for the demolition, removal, and cleanup of two (2) commercial buildings located on the proposed Eagle Substation site for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (IFB 7731 - awarded to Robert Wyatt Contracting, LLC, in the not-to-exceed amount of \$326,968.78). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1873

- T. ID 21-1874 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Dallas Lite and Barricade, Inc., for the rental of barricades to be used throughout the City by various departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7741 - awarded to Dallas Lite and Barricade, 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 \$1,050,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1874

- U. ID 21-1877 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with C&H Sales and Services Company, Inc., to collect oil and SF6 gas samples from transformers and breakers to be sent to a lab to be tested for Denton Municipal Electric, Proposal Pricing Lines 10-13; providing for the expenditure of funds therefor; and providing an effective date (RFP 7674 - awarded to C&H Sales and Services Company, 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 \$483,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1877

- V. ID 21-1878 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with TransFluid Services, Inc., to replace transformer bushing insulators, perform on-load tap changer (LTC) maintenance, transformer testing, and replacement of breakers or transformers when needed for the City of Denton, Proposal Pricing Lines 1-9 and 14-17; providing for the expenditure of funds therefor; and providing an effective date (RFP 7674 - awarded to TransFluid Services, 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 \$750,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1878

- W. ID 21-1879 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Open Systems International, Inc., for the renewal of maintenance, support, and upgrade services of OSI Monarch for Denton Municipal Electric, 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; providing for the expenditure of funds therefor; and providing an effective date (File 7718 - awarded to Open Systems International, Inc., in the five (5) year not-to-exceed amount of \$1,500,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1879

- X. ID 21-1917 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Stuart C. Irby Company, for the Di-Electric Testing of Live-Line Tools and Grounding Equipment for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 7715 - awarded to Stuart C. Irby Company, 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 \$150,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1917

- Y. ID 21-1920 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Questica, Inc., for the renewal extension of Budgeting Software for the Budget 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; providing for the expenditure of funds therefor; and providing an effective date (File 7778 - awarded to Questica, Inc., in the five (5) year not-to-exceed amount of \$325,000.00).

ASSIGNED ORDINANCE NO. 21-1920

- Z. ID 21-1756 Consider adoption of an ordinance of the City of Denton granting Checkered Flag Promotions a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels for the No Limits Monster Truck Show, which will be held on Saturday, October 16, 2021 from 1:00 p.m. to 3:00 p.m., and 7:00 p.m. to 9:45 p.m., at the North Texas Fair Grounds; granting an increase in sound levels on said dates for Saturday from 1:00 p.m. to 3:00 p.m., and 7:00 p.m. to 9:45 p.m., with sound not to exceed 70 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1756

- AA. ID 21-1758 Consider adoption of an ordinance of the City of Denton granting The Village Church Denton a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for a celebration service, which will be held on Sunday, October 24, 2021, from 10:00 a.m. to 11:00 a.m., at North Lakes Park in Denton, Texas; granting an increase in sound levels and a variance in the hours of operation on said date from 10:00 a.m. to 11:00 a.m., with sound not to exceed 75 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1758

- AB. ID 21-1900 Consider approval of a resolution of the City of Denton adopting the Bowling Green Park Master Plan and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-1900

- AC. ID 21-1905 Consider approval of a resolution of the City of Denton adopting the Villages of Carmel Property Master Plan and declaring an effective date.

ASSIGNED RESOLUTION NO. 21-1905

AD. ID 21-1662 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or her designee, to execute an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, providing for client and clinical services to victims of child abuse and non-offending family members; and providing for the expenditure of funds in the amount of \$141,950; and providing for an effective date.

ASSIGNED ORDINANCE NO. 21-1662

AF. EAR21-0002 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a 0.504 acre sanitary sewer easement granted to the City of Denton by Alex Kaiser and Rachel Kaiser, recorded as Instrument No. 2016-21238 and corrected by Instrument No. 2016-64812 both in the Real Property Records of Denton County, Texas; providing for severability and an effective date. (Wright Addition, Sanitary Sewer Easement abandonment - Mark Laird)

ASSIGNED ORDINANCE NO. EAR21-0002

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

AE. ID 21-1953 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a new Listing Agreement with Axis Realty Group of Denton, Inc. and the Denton Chamber of Commerce for the sale of certain real property and improvements comprised of a 0.449 acre tract located at 414 West Parkway Street, Denton, Texas; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1953

The item was pulled for Individual Consideration by Council Member Armintor.

The item was presented and discussion followed.

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

Mayor Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Byrd.

Council Member Armintor offered a friendly amendment to not incorporate the recommendation of dropping the listing price and wait until the City Council could meet to discuss options. Mayor Hudspeth did not accept the friendly amendment.

Following further discussion, Mayor Hudspeth republished his original motion to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

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

NAYS (2): Council Members Maguire and Armintor

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-1825 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, extending the effective period of the declared state of local disaster related to the COVID-19 emergency as provided in Ordinance No. 21-1290 to December 31, 2021; superseding and replacing the Fourteenth Order of Council of the City of Denton issued August 24, 2021 approved by Ordinance No. 21-1831; providing a repealer clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1825

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

The item related to Work Session Item 3.B (21-1836) discussed earlier in the day.

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

NAYS (2): Mayor Hudspeth, and Council Members Davis

- B. ID 21-1875 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Classic Chevrolet, Inc., for the supply of light duty vehicles which include sedans, passenger vans, pickup trucks, hybrid, and electric vehicles for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7661 - awarded to Classic Chevrolet, 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 \$6,000,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 21-1875

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

The item was presented and discussion followed.

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

AYES (5): Mayor Hudspeth and Council Members Byrd, Beck, Davis, and Maguire

NAYS (2): Mayor Pro Tem Meltzer and Council Member Armintor

The meeting was recessed at 8:56 p.m. for a short break and reconvened at 9:08 p.m.

- C. ID 21-1918 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Primoris T&D Services, LLC., to perform normal and emergency operating, maintenance, and construction work on the overhead electric distribution system for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 7725 - awarded to Primoris T&D Services, LLC., in the five (5) year not-to-exceed amount of \$15,000,000.00). The Public Utilities Board recommends approval (6 - 0).
NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- D. HL21-0002a 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 1015 West Oak Street in the Oak-Hickory Historic District (OHH), generally located on the south side of West Oak Street, between Denton Street and North Welch Street; providing for severability; and providing an effective date. (HL21-0002a, 1015 W Oak Street - Tax Exemption, Cameron Robertson)
NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- E. ID 21-1955 Consider adoption of an ordinance adopting a schedule of fees for the use of the Denton Police Department training facilities, firearms range, special events, off-duty police officers, and motor vehicle escorts for hire; providing for severability; providing a repealer; and establishing an effective date.
NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- F. ID 21-1956 Consider adoption of an ordinance of the City of Denton adopting a schedule of fees for cemeteries and use of certain park facilities; superseding all prior fees in conflict with such schedule; providing for severability; and providing an effective date.
NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- G. ID 21-1957 Consider adoption of an ordinance adopting a schedule of fees for the Denton Fire Department; superseding all prior fees in conflict with such schedule; providing for severability; providing a repealer; and establishing an effective date.

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- H. ID 21-1959 Consider adoption of an ordinance of the City of Denton amending the City's fund balance policy related to the utility fund reserve levels; and providing an effective date. The Public Utilities Board (PUB) recommends approval (7-0).

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- I. ID 21-1963 Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Water and Water service; providing for a repealer; providing for a severability clause; and, providing an effective date. The Public Utilities Board (PUB) recommends approval (7-0).

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- J. ID 21-1965 Consider adoption of an ordinance of the City of Denton, Texas, establishing the schedule of rates for Wastewater service; providing for a repealer; providing for a severability clause; and, providing for an effective date. The Public Utilities Board (PUB) recommends approval (7-0).

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- K. ID 21-1967 Consider adoption of an ordinance of the City of Denton, Texas, establishing the rates for Solid Waste and Recycling collection service; repealing Ordinance No. 20-1551; providing for a repealer; providing for a severability clause; and, providing an effective date. The Public Utilities Board (PUB) recommends approval (7-0).

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- L. ID 21-1992 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 Fleet Fund of Five Hundred Thousand Dollars (\$500,000); declaring a public purpose; providing a severability clause, an open meetings clause and an effective date.

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

- M. ID 21-1993 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 General Fund of Four Million Dollars (\$4,000,000); declaring a public purpose; providing a severability clause, an open meetings clause and an effective date.

NOT CONSIDERED; POSTPONED TO SEPTEMBER 28, 2021

The item was not considered due to technical difficulties and postponed to September 28, 2021.

6. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-1986 Consider adoption of an ordinance of the City of Denton, Texas, adopting the fiscal year 2021-2022 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2021 and ending on September 30, 2022; and declaring an effective date.

ASSIGNED ORDINANCE NO. 21-1986

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

Due to technical difficulties Mayor Hudspeth requested City Council consensus as to consideration of pending items. Staff advised as to the items requiring consideration and action.

Council Member Armintor called a point of order stating Council Member Maguire needed her questions answered in order to provide direction. Mayor Hudspeth addressed the point of order; and with no motion or debate forthcoming, discussion continued.

The item was presented and discussion followed.

Mayor Hudspeth moved to adopt the item as presented. Motion failed for lack of second.

Mayor Hudspeth moved to table the item to allow time to allow time to properly present a proposed motion. Motion failed for lack of second.

The meeting was recessed due to a temporary lack of a quorum at the dais at 9:22 p.m. and reconvened at 9:30 p.m.

Mayor Hudspeth opened the floor for discussion on how to proceed with consideration of items 5.C-M, 6.A-D, and 7.A-D. The consensus of the City Council was to move forward with items 6.A-D and 7.B with the postponement of 7.A, 7.C and 7.D.

Citizen comments are noted in Exhibit A.

Mayor Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Davis.

Discussion continued.

Council Member Davis offered a friendly amendment to adopt the proposed ordinance with the Sustainability Framework Fund being listed at \$300,000.00. Mayor Hudspeth accepted the friendly amendment.

Mayor Hudspeth republished the motion to adopt the proposed ordinance as amended to reflect the Sustainability Framework Fund being listed at \$300,000.00, seconded by Council Member Davis.

Discussion continued.

Mayor Pro Tem Meltzer moved to amend the current motion to provide that revenues associated with the Core Scientific deal remain unallocated at this time and be revisited when sustainability projects could be evaluated alongside other expenditures. Motion to amend failed for lack of a second.

Mayor Hudspeth republished the motion to adopt the proposed ordinance as amended reflect the Sustainability Framework Fund being listed at \$300,000.00, seconded by Council Member Davis. Motion failed.

AYES (2): Mayor Hudspeth and Council Member Davis

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

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

Council Member Maguire moved to approve the ordinance as presented. Motion seconded Council Member Beck. Motion failed.

AYES (3): Council Members Byrd, Beck, and Maguire

NAYS (3): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Member Davis

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

Following further discussion, Interim City Attorney Clifton advised City Council should convene in an Executive Session.

City Council convened into an Executive Session at 10:13 p.m. pursuant to Texas Government Code Section 551.071 (Consultation with Attorney). The Executive Session ended at 10:36 p.m. No votes or actions were taken during the Executive Session.

Mayor Hudspeth moved to reconsider the item to allow adoption of the budget as presented. Council Member Davis called a point of order stating a member must be on the prevailing side to move for reconsideration. Mayor Hudspeth accepted the point of order. Motion died for lack of a second.

Mayor Hudspeth placed item 6.A (21-1986) on the table in order to address Public Hearing Items 7.A-7.D. Refer to Pages 19-21 for details.

Following consideration of Public Hearing Items 7.A-7.D, Mayor Hudspeth removed the item [6.A (21-1986)] from the table.

Council Member Maguire moved for reconsideration of the item to allow approval of the item as presented. Council Member Davis called a point of order stating a member making a motion to reconsider must be on the prevailing side; and Robert's Rules of Order states with a tie vote the prevailing side is the nays. Mayor Hudspeth requested determination from Interim City Attorney Clifton as to the point of order. Interim City Attorney Clifton agreed with the point of order. Mayor Hudspeth approved the point of order. Council Member Maguire withdrew her motion.

Discussion continued.

The meeting was recessed at 11:15 p.m. for a short break and reconvened at 11:26 p.m.

Council Member Davis moved to approve the item as presented with the amendment that the Sustainability Framework Fund be list at \$500,000. Motion seconded by Mayor Pro Tem Meltzer.

Following further discussion, Council Member Beck moved a friendly amendment to approve the proposed ordinance adopting the budget as presented, contingent upon a budget reconsideration in March 2022 where the Sustainability Framework Fund is funded no less than \$1.2 million. Council Member Davis did not accept the friendly amendment.

Discussion continued.

Following further discussion, Council Member Beck moved to amend the motion with the agreement to revisit and do a budget amendment of \$700,000 for the Sustainability Fund in March 2022. Motion seconded by Council Member Byrd.

Discussion continued.

Following further discussion, Council Member Beck moved to further amend the motion to include a consideration of no less than \$700,000.00 for the Sustainability Fund in a budget amendment in March 2022. Motion seconded by Council Member Byrd. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

Mayor Hudspeth republished the original motion by Council Member Davis, seconded by Mayor Tem Meltzer to approve the item as presented with the following amendments:

- Sustainability Framework Fund - \$500,000.00 dollars;
- A budget amendment proposal to increase the Sustainability Framework Fund by at least \$700,000 will be brought to City Council for consideration in March of 2022.

Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- B. ID 21-1987 Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2021, on all taxable property within the corporate limits of the City on January 1, 2021, and adopting a tax rate of \$0.573000 per \$100 of valuation for 2021; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

AMENDED; ASSIGNED ORDINANCE NO. 21-1987

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

The item was presented and discussion followed.

Following discussion, Mayor Hudspeth moved to adopt the no-new-revenue rate of \$0.565823. Motion seconded by Council Member Davis.

Council Member Maguire called a point of order regarding a motion having been made via the electronic vote casting system. Mayor Hudspeth addressed the point of order; and with no motion or debate forthcoming, discussion continued.

Mayor Hudspeth republished his original motion, seconded by Council Member Davis to adopt the no-new-revenue rate of \$0.565823. Motion carried.

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

NAYS (1): Council Member Maguire

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- C. ID 21-1989 Consider adoption of an ordinance of the City of Denton, Texas, approving the 2021 tax rolls; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1989

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

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, Davis, and Maguire

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- D. ID 21-1990 Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the fiscal year 2021-2022 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022 when the budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-1990

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

The item was not presented or discussed.

Following discussion, Council Member Maguire moved for the ratification of the adoption of the fiscal year 2021-2022 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas. Motion seconded by Council Member Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (0): None
ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

7. PUBLIC HEARINGS

NOTE: The items are listed in the order presented/discussed.

- A. Z21-0005c 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 Neighborhood (MN) and Residential 4 (R4) Districts to 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 [7-0] to approve as a Residential 6 (R6) District. (Z21-0005c, 418 Robertson Fourplex, Cameron Robertson).

POSTPONED TO SEPTEMBER 28, 2021

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

The item was not presented or discussed.

Council Member Maguire moved to postpone the item to September 28, 2021. Motion seconded by Mayor Hudspeth. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (0): None
ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- C. S21-0001b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a multi-family dwelling use on approximately 9.92 acres of land, generally located on the east side of Loop 288, approximately 300 feet south of E McKinney 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 [3-2] TO APPROVE THE REQUEST. (S21-0001b, Pebblebrook Parkside, Karina Maldonado)

POSTPONED TO OCTOBER 19, 2021

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

The item was not presented or discussed.

The public hearing was opened; and based on City Council consensus that only items requiring immediate attention due to the technical difficulties being experienced be considered, no public comment was sought.

Mayor Pro Tem Meltzer moved to postpone the item to October 19, 2021 with the public hearing open. Motion seconded by Council Member Byrd. Motion carried.

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

- D. Z21-0013a 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 Rural (RR) District to Residential 1 (R1) District on approximately 1.372 acres of land generally located on the south side of Miller Road, approximately 260 feet east of Masch Branch Road, within 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. (Z21-0013a, Noguez Single-Family Rezoning, Mark Laird).

POSTPONED TO SEPTEMBER 28, 2021

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

The item was not presented or discussed.

The public hearing was opened; and based on City Council consensus that only items requiring immediate attention due to the technical difficulties being experienced be considered, no public comment was sought.

Council Member Davis moved to postpone the item to September 28, 2021 with the public hearing open by unanimous consent. There was no objection voiced by City Council.

Council Member Beck called a point of order as to needing a second to the motion made by Council Member Davis. Mayor Hudspeth ruled a second to the motion was not required. Interim City Attorney Clifton confirmed the ruling. There was no motion or debate to Mayor Hudspeth's ruling.

- B. PD21-0002d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a request to rezone approximately 32.11 acres from Mixed Use Regional (MR) District to a Planned Development (PD) District. The site is generally located south of North Loop 288, southwest of Hwy 77 (North Elm Street), and west of North Bonnie

Brae Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (7-0). (PD21-0002d, Christopher Todd Communities, Julie Wyatt)

ASSIGNED ORDINANCE NO. PD21-0002d

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 speakers on queue, the public hearing was closed.

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

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

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Council Member Armintor

City Council continued with Budget Items for Individual Consideration 6.A-6.D. Refer to Pages 14-19 for details.

8. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 11:57 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



CATHY WELBORN
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: October 12, 2021

September 21, 2021 City Council Regular Meeting - EXHIBIT A	
Speaker Commentaries/Registrations Online, Email, Phone	

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Joshua	Hatton	1414 Aldren Drive	Denton	Open Mic	N/A	Telephone	Thanked City Staff. Stated he is the orgnizer of the "No Bus Cuts Campaign" and are opposed to DCTA's plan to cut bus routes in Denton and Lewisville after December 6, 2021. Requested City Council to remove appointee Chris Watts from the DCTA Board of Directors.
Jennifer	Lane	Not Provided	Denton	21-1986	N/A	Telephone	Stated her concerns regarding police officers having issues with COVID-19 protocols. Detailed an encounter she had with an officer. Concerned about the community and the police force. Requested City Council move funding into mental health services.
Matt (Applicant)	Lucas	13455 Noel Road	Dallas	PD21-0002d	Supports	In Person	Provided an overview of the 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.

EXHIBIT B
September 21, 2021

Agenda item 4.B (ID 21-1353)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	2	Beck-2	Robert Brashear	UNEXPIRED September 1, 2021 Through August 31, 2023	New
Committee on Persons with Disabilities	1	Byrd-1	Donna Cooper	UNEXPIRED September 1, 2021 Through August 31, 2023	New Qualif.: District 1 Resident
Community Services Advisory Committee	ALL - 4	Meltzer - 5	Deborah Wright	UNEXPIRED September 1, 2021 Through August 31, 2022	New
Traffic Safety Commission	5	Arminter-5	Kevin Sample	UNEXPIRED September 1, 2021 Through August 31, 2023	New