

## CITY OF DENTON CITY COUNCIL MINUTES

October 12, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, October 12, 2021, at 2:01 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, and Alison Maguire

PRESENT VIRTUALLY: Council Member Deb Armintor

ABSENT: None

Also present were Interim City Manager Sara Hensley and City Attorney Mack Reinwand.

**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 item:
  - Council Member Beck: Item 1.I (21-2133)
- The following items were pulled for Individual Consideration:
  - Council Member Beck: Item 1.E (21-2012)
  - Council Member Maguire: Item 1.L (21-2056)
  - Council Member Davis: Item 1.L (21-2056)

#### **3. Work Session Reports**

- A. ID 21-1802 Receive a report, hold a discussion, and give staff direction regarding Audit Project 006 - Roadway Quality Management: Follow-Up Review. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

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

- B. ID 21-2212 Receive a report, hold a discussion, and give staff direction regarding the City Manager recruitment process. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue with the search firm, Baker Tilly, with a twelve month guarantee as the recruiting firm.

- C. ID 21-1162 Receive a report, hold a discussion, and give staff direction regarding the performance of the tree preservation and mitigation requirements in the Denton Development Code. [Council Priority; Estimated Presentation/Discussion Time: 90 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to look at developing a prairie grassland plan.

The work session was recessed for a short break at 3:14 p.m. and reconvened at 3:24 p.m.

Mayor Hudspeth announced the Special Called meeting would be held prior to the Closed meeting to address the Consent Agenda and Items pulled for Individual Consideration to allow staff to present their items.

- D. ID 21-2134 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response. [Council Priority; Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to consider potential extension of the mask order through the end of November during the upcoming October 19, 2021 Council meeting.

- E. ID 21-1416 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: [Estimated Presentation/Discussion Time: 30 minutes]

- 1) A work session to establish a Green Catalyst Fund.
  - 2) Passing a resolution to engage State delegation to oppose the currently proposed redistricting.
  - 3) Passing a resolution thanking Chris Watts for his service on the DCTA Board and remove him and John Ryan from their positions for cause.
- Item 21-1416 (1) A work session to establish a Green Catalyst Fund.
    - No consensus for a work session.

- Item 21-1416 (2) Passing a resolution to engage State delegation to oppose the currently proposed redistricting.
  - Request withdrawn. Consensus reached on scheduling a resolution for consideration at a future date dependent on redistricting action by the State.
- Item 21-1416 (3) Passing a resolution thanking Chris Watts for his service on the DCTA Board and remove him and John Ryan from their positions for cause.

Following consultation with City Attorney Reinwand, the City Council convened into an Executive Session at 4:08 p.m. under Texas Open Meeting Act 551.071 (Consultation with Attorney) to deliberate the specifics of the information provided in the Legal Status Report on Friday, October 8, 2021.

The executive session started at 4:15 p.m. and ended at 4:41 p.m. No votes or actions were taken during the executive session.

Discussion continued.

- No consensus for a resolution.

The work session ended at 4:09 p.m.

### **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, October 12, 2021, at 4:09 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, and Alison Maguire

**PRESENT VIRTUALLY:** Council Member Deb Armintor

**ABSENT:** None

Also present were Interim City Manager Sara Hensley and City Attorney Mack Reinwand.

**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-M. During the Work Session held earlier in the day, Item 1.E (21-2012) was pulled for Individual Consideration by Council Member Beck and Item 1.L (21-2056) was pulled for Individual Consideration by Council Members Maguire and Davis.

Council Member Davis moved to adopt the Consent Agenda, now consisting of Items 1.A-D, F-K, and M. 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 21-1887 Consider the approval of the minutes for September 14 and September 21, 2021.

**APPROVED**

- B. ID 21-2259 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities.

**APPROVED**

Appointments listed on Exhibit B.

- C. ID 21-2139 Consider adoption of an ordinance of the City of Denton granting Arco National Construction a special permit pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for construction of I-35 Cold Storage located at 6651 North I-35; granting a variance in the hours of operation; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2139**

- D. ID 21-2145 Consider approval of a resolution of the City of Denton abolishing the Appointee Performance Review Committee; and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-2145**

- F. ID 21-1833 Consider adoption of an ordinance of the City of Denton approving the Fiscal Year 2021-22 Annual Internal Audit Plan; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1833**

- G. ID 21-2131 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 2 to the contract between the City of Denton and Archer Western Construction, LLC, to provide additional construction services for the Hickory Creek Detention Facility project; providing for the expenditure of funds therefor; and providing an effective date (RFP 7061 - Change Order No. 2 in the not-to-exceed amount of \$128,824.49, for a total contract award aggregated to \$14,587,635.62).

**ASSIGNED ORDINANCE NO. 21-2131**

- H. ID 21-2132 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 Whirlix Design, Inc., through the Buy Board Cooperative Purchasing Network, Contract # 592-19, for shade structures, benches, and park site amenities for the Parks and Recreation

Department; providing for the expenditure of funds therefor; and providing an effective date (File 7815 - awarded to Whirlix Design, Inc., for one (1) year, with the option for five (5) additional one (1) year extensions, in the total six (6) year not-to-exceed amount of \$2,000,000.00).

**ASSIGNED ORDINANCE NO. 21-2132**

- I. ID 21-2133 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager, through the Buy Board Cooperative Purchasing Network, Contract #571-18, for the emergency purchase of one (1) Pierce Custom Enforcer Pumper for the Fire Department; and providing an effective date (File 7825 - awarded to Siddons-Martin Emergency Group, LLC, in the not-to-exceed amount of \$797,045.00).

**ASSIGNED ORDINANCE NO. 21-2133**

- J. ID 21-2169 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 Airgas USA, LLC, for bulk shipments of liquid oxygen and medical oxygen for the Water Production and Fire Departments; providing for the expenditure of funds therefor; and providing an effective date (IFB-BV 7806 - awarded to Airgas USA, 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 \$1,300,000.00).

**ASSIGNED ORDINANCE NO. 21-2169**

- K. ID 21-1757 Consider adoption of an ordinance of the City of Denton approving an agreement with the Denton Parks Foundation to allow the Denton Parks Foundation to raise funds and support programming for the Parks and Recreation Department; authorizing the City Manager or designee to execute the Denton Parks Foundation agreement and carry out the duties of the City therein; authorizing the expenditure of funding; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1757**

- M. ID 21-2089 Consider approval of a resolution of the City of Denton allowing Denton County Brewing Company to sell alcoholic beverages at the 940 Disc Golf tournament, on Saturday, October 16, 2021, at the North Lakes Disc Golf Course, upon satisfying certain conditions; authorizing the City Manager, to execute an agreement in conformity with this resolution; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 21-2089**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- E. ID 21-2012 Consider approval of a resolution nominating members to the Board of Directors of the Denton County Appraisal District; and declaring an effective date.

**ASSIGNED RESOLUTION NO. 21-2012**

*The item was pulled for Individual Consideration by Council Member Beck.*

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 with an amendment to nominate Howard Martin and Brian Webb to the Board of Directors of the Denton County Appraisal District. 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

- L. ID 21-2056 Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute an agreement between the City of Denton and Denton Independent School District to offer adult education and literacy classes at City of Denton Recreation Centers; authorizing the Interim City Manager, or her designee, to perform all obligations of the City under the agreement, including the expenditure of funding therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2056**

*The item was pulled for Individual Consideration by Council Members Maguire and Davis.*

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

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

The item was not presented and no discussion followed.

Following discussion, Council Member Beck moved 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 Armintor

NAYS (0): None

ABSTAIN (2): Council Members Davis and Maguire

**CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 4:59 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
  - A. ID 21-2269 Consultation with Attorneys under Texas Government Code Section 551.071 and Deliberations Involving Medical or Psychiatric Records of Individuals under Texas Government Code Chapter 551.0785. Receive information from staff, discuss, and provide staff with direction related to a police officer's plan benefits related to an injury in the line



of duty. Consultation with the City's attorney regarding legal issues associated with benefits where a public discussions 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; to consider information in the medical or psychiatric records related to a police officer's injury in the line of duty.

**DELIBERATED**

The Closed Meeting started at 5:23 p.m. and ended at 6:25 p.m. No votes or actions were taken during the closed meeting.

The Special Called Meeting was reconvened at 6:36 p.m. to continue with the Items for Individual Consideration and Public Hearing.

**SPECIAL CALLED MEETING – CONTINUED**

**2. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 21-2027 Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of the Electric Utility (\$52,904,557), Solid Waste (\$2,533,367), Water (\$34,491,460), Wastewater (\$44,212,652), and General Government (\$66,750,452) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$200,892,488; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2027**

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

- B. ID 21-2035 Consider adoption of an ordinance of the City of Denton creating an Internal Audit Advisory Committee to advise the City Council and City Auditor on audit activities and governance; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2035**

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Meltzer moved to adopt the item with the following amendments: [Underline added for emphasis to reflect changes.]

Membership on the Internal Audit Advisory Committee is limited to qualified voters of the City of Denton. Preference in appointments shall be given to individuals in such professional fields as auditing, accounting, finance, public administration, and risk management including the teaching of such knowledge. The City Auditor shall participate in the vetting process for nominees to ensure they have appropriate skills and expertise.

The following shall disqualify a person from serving on the Internal Audit Advisory Committee:

- (1) Current service as a City of Denton employee or City Council Member;
- (2) Separation from service as a City of Denton employee or City Council Member within one (1) year of appointment; or
- (3) Familial relations to a City of Denton employee or City Council Member within the third (3<sup>rd</sup>) degree of affinity (marriage) or consanguinity (blood or adoption).

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

### **3. PUBLIC HEARING**

- A. DCA21-0004b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Denton County, Texas, regarding a proposed Code amendment to the Denton Development Code Subchapter 5 Use Regulations, Subchapter 7 Development Standards, and Subchapter 9 Definitions; specifically, to introduce a new use, Data Center. (DCA21-0004b, Data Center Use, Karina Maldonado) STAFF IS REQUESTING THIS ITEM BE WITHDRAWN FROM THE AGENDA.

#### **ITEM WITHDRAWN AT STAFF'S REQUEST**

This item was withdrawn at Staff's request.

Mayor Hudspeth announced citizen commentary at this point of the meeting would be permitted. There was no objection voiced by the City Council.

Citizen comments received are noted in Exhibit A.



4. **CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:20 p.m.



GERARD HUDSPETH  
MAYOR  
CITY OF DENTON, TEXAS



ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON October 26, 2021

**October 12, 2021 City Council Special Meeting - EXHIBIT A**

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

<b>Name</b>	<b>Last</b>	<b>Address</b>	<b>City</b>	<b>Agenda Item</b>	<b>Position</b>	<b>Method</b>	<b>Comments</b>
Willie	Hudspeth	623 Newton Street	Denton	N/A	N/A	In Person	<p>Posed the following questions to City Council:</p> <ol style="list-style-type: none"> <li>1. Why they voted to put the Duplex on the property. Is trying to understand the reason behind it.</li> <li>2. Why they thought it was a good idea to put it there. Stated there is already an eyesore in his neighborhood. (several actually).</li> </ol> <p>Stated that several citizens have attempted to put a mural in an effort to get property together. He is going to start a movement to change the name of Loop 288 to Martin Luther King Jr. to better represent the efforts by Dr. King Jr.</p>

**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  
October 12, 2021

Agenda item 1.B (ID 21-2259)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Committee on Persons with Disabilities	ALL - 2	Byrd-1	Dianne Landry	UNEXPIRED September 1, 2021 through August 31, 2023	New