

## CITY OF DENTON CITY COUNCIL MINUTES

October 19, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Closed Meeting on Tuesday, October 19, 2021, at 3:00 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 City Attorney Mack Reinwand.

### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 3:05 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

Specific to the item below, Council Member Armintor moved to waive attorney-client privilege regarding the confidential report received October 15, 2021 pertaining to the redistricting process of City Council district boundaries as a result of the 2020 census. Motion seconded by Mayor Pro Tem Meltzer.

Following discussion, City Attorney Reinwand advised City Council would need to convene the closed meeting and upon completion Council Member Armintor's motion would remain pending action. The closed meeting was convened.

- A. ID 21-2326 Consultation with Attorneys - Under Government Code Section 551.071. Receive information, consult with, and provide direction to, the City's attorneys regarding legal issues associated with the redistricting process of City Council district boundaries as a result of the 2020 census, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City Council of the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

#### **DELIBERATED**

The item related to Work Session Item 3.A (21-1979) scheduled for presentation later in the day.

The closed meeting started at 3:12 p.m. and recessed at 3:20 p.m. No votes or actions were taken during the closed meeting.

Council Member Davis moved to amend the waiver of attorney-client privilege only to information pertaining to the current item discussed during the closed 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

Mayor Hudspeth republished Council Member Armintor's original motion, seconded by Mayor Pro Tem Meltzer, to waive attorney-client privilege regarding the confidential report received October 15, 2021 pertaining to the redistricting process of City Council district boundaries as a result of the 2020 census, and to only have the waiver apply to the current item discussed during the meeting (Work Session Item E.A (21-1979) as amended under Council Member Davis' adopted amending motion. Motion carried.

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

NAYS (0): None

The closed meeting ended at 3:24 p.m.

### **WORK SESSION**

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, October 19, 2021, at 3:24 p.m. in the Council Chambers 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 City Attorney Mack Reinwand.

**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. 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 Armintor: Item 4.W (21-2188)
  - Council Member Byrd: Item 4.X (EAR20-0001)

- The following items were pulled for Individual Consideration:
  - None

**3. Work Session Reports**

- A. ID 21-1979 Receive a report, hold a discussion, and give staff direction regarding redistricting of city council districts as a result of the 2020 census.  
[Estimated Presentation/Discussion Time: 60 minutes]

The item related to Closed Meeting Item 1.A (21-2326) deliberated earlier in the day.

The item was presented by Mr. Bob Heath, Bickerstaff Heath Delgado Acosta, LLC, and discussion followed.

Following discussion, City Council consensus was to move forward with pursuing redistricting options to include criteria and processes for consideration at a future meeting.

- B. ID 21-2135 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 related to Item for Individual Consideration 2.A (21-2137) scheduled for later in the day.

The item was presented and discussion followed.

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

- C. ID 21-1982 Receive a report, hold a discussion, and give staff direction regarding the on-street parking agreements with the University of North Texas.  
[Estimated Presentation/Discussion Time: 45 minutes]

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

The item was presented and discussion followed.

Following discussion, City Council consensus was to analyze, prepare, and update the current parking agreement with UNT for discussion and consideration at a future meeting.

D. ID 21-1417 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

1) The immediate removal of Chris Watts from the DCTA board.

[Estimated Presentation/Discussion Time: 30 minutes]

- ID 21-1417 1) The immediate removal of Chris Watts from the DCTA board.
  - Consensus for a future work session.

The work session was recessed for a short break at 5:16 p.m. and reconvened at 5:17 p.m.

Point of Order was called by Council Member Armintor who wished to deliberate further on the item, stating the Chair should not limit the speaking time of other members. Mayor Hudspeth ruled the agenda did not provide for further discussion on the item.

Council Member Armintor moved to appeal Mayor Hudspeth's ruling on the Point of Order. Motion seconded by Council Member Maguire.

Following further discussion, Council Member Armintor withdrew her motion.

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

#### **CLOSED MEETING - CONTINUED - NOT HELD**

1. The City Council did not convene into a Closed Meeting. Therefore, the following item was not deliberated.

- A. ID 21-2325 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.

**NOT DELIBERATED**

The item related to Consent Agenda Item 4.P (21-2327) scheduled for later in the day.

As noted, the item was not deliberated as the closed meeting was not held.

## **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, October 19, 2021, at 6:30 p.m. in the Council Chambers 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 City Attorney Mack Reinwand.

**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 21-1857 Proclamation: Shelter Your Neighbor Week  
**PRESENTED**

B. ID 21-1858 Proclamation: Denton Diablos  
**PRESENTED**

C. ID 21-2097 Proclamation: Friends of Libraries Week  
**PRESENTED**

D. ID 21-2265 Proclamation: Lights Out Nights  
**PRESENTED**

E. ID 21-2290 Proclamation: Domestic Violence Awareness Month  
**PRESENTED**

F. ID 21-2319 Proclamation: World Polio Day in Denton  
**PRESENTED**

G. ID 21-2320 Proclamation: National Colonial Heritage Month  
**PRESENTED**

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

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

A. Mr. Tristan Seikel, 601 Eagle Drive, regarding a proposed ordinance about cannabis decriminalization in the City of Denton.

**PRESENTED**

B. Ms. Eli Agawu, address not provided, regarding support for cannabis decriminalization in the City of Denton.

**NOT PRESENTED**

C. Ms. Alexandra Ponette, address not provided, regarding traffic challenges and opportunities on Highland Park Road.

**PRESENTED**

D. Ms. Ashleigh Pembroke, 1900 Westridge Street, regarding traffic challenges and opportunities on Highland Park Road.

**PRESENTED**

E. Ms. Linnie McAdams, 1426 Kendolph Drive, regarding traffic challenges and opportunities on Highland Park Road.

**PRESENTED**

F. Mr. Michael Lioy, 1802 Highland Park Road, regarding the traffic problem caused by Eagle Creek Development.

**PRESENTED**

G. Ms. Nell Yeldell, address not provided, regarding water bill at 514 E. Prairie Street and City sale of her property at 518 E. Prairie Street to the railroad.

**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-X and Z. Mayor Hudspeth announced Item 4.Y (21-2312) was pulled from consideration at Staff's request.

Council Member Maguire moved to adopt the Consent Agenda, now consisting of Items 4.A-X, and Z. 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 21-2205 Consider approval of the minutes for September 28 and October 4, 2021.

**APPROVED**

- B. ID 21-2206 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Historic Landmark Commission.

**APPROVED**

Appointments listed on Exhibit B.

- C. ID 21-2272 Consider approval of a resolution of the City of Denton providing the October 4, 2021 meeting absence of a Parks, Recreation, and Beautification Board Member be excused; and declaring an effective date.

**ASSIGNED RESOLUTION NO. 21-2272**

- D. ID 21-2193 Consider adoption of an ordinance of the City of Denton delegating authority to the City Manager to administer Council Contingency Fund Spending Agreements in accordance with the procedure set forth herein, and to execute said agreements; providing for the expenditure of Council Contingency Funds in accordance with the procedure set forth herein; and providing for an effective date.

**ASSIGNED ORDINANCE NO. 21-2193**

- E. ID 21-2202 Consider adoption of an ordinance of the City of Denton repealing and replacing Chapter 30, titled "Flood Prevention and Protection," of the Denton Development Code, codified as Subpart B of the Denton Code of Ordinances; providing a repealer clause; providing for penalties; providing for codification; providing a severability clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2202**



- F. ID 21-2228 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton County Friends of the Family for the purpose of the Friends of the Badge 2022 sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$5,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2228**

- G. ID 21-2236 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Texas Veterans Hall of Fame for the purpose of the 2021 Induction Ceremony sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$3,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2236**

- H. ID 21-2235 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Texas Filmmakers Corporation for the purpose of the Thin Line Fest 2022 sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$12,640 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2235**

- I. ID 21-2234 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Serve Denton for the purpose of the Serve Denton Celebration sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$3,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2234**

- J. ID 21-2233 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and North Texas State Fair Association, Inc. for the purpose of the 2022 North Texas Fair and Rodeo Kids Zone sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$5,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2233**

- K. ID 21-2232 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Health Services of North Texas, Inc., for the purpose of the 2022 Denton Back to School Fair sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$10,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2232**



- L. ID 21-2231 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Habitat for Humanity of Denton County, Inc., for the purpose of the Party with a Purpose sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$3,000 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2231**

- M. ID 21-2230 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Greater Denton Arts Council, Inc. for the purpose of the Community Art Grants Program sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$7,500 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2230**

- N. ID 21-2229 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Holiday Festival Association, Inc. for the purpose of the 2021 Denton Holiday Lighting Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$2,570 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2229**

- O. ID 21-2252 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Black Film Festival Institute for the purpose of the 2022 Denton Black Film Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$12,640 - Community Partnership Committee recommends approval 3-0)

**ASSIGNED ORDINANCE NO. 21-2252**

- P. ID 21-2327 Consider approval of a resolution of the city council of the City of Denton extending the Civil Service Line of Duty Injury Leave of Absence of Denton police officer Urbano Rodriguez for one year at full pay, and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-2327**

The item related to Closed Meeting Item 1.A (21-2325) which was not deliberated earlier in the day.

- Q. ID 21-2164 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to accept the TexTreasures Grant #TXT-22004 for SFY 2022 (Federal Award Identification Number LS-249990-OLS-21) from the Texas State Library and Archives Commission through the Institute of Museum and Library Services in the amount of \$24,820.00, for the period of September 1, 2021 through August 31, 2022; to fund the digitization of historical issues of the Denton Record-Chronicle (DRC); authorizing the City Manager to carry out all duties of the City pursuant to the grant; providing a savings clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2164**

- R. ID 21-2168 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for design services for Southeast Denton Package - B Improvements for the Capital Improvement Projects Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-001 - Professional Services Agreement for design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$1,660,100.00). The Public Utilities Board recommends approval (5 - 0).

**ASSIGNED ORDINANCE NO. 21-2168**

- S. ID 21-2170 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a sixth amendment to a Professional Services Agreement between the City of Denton and Peak Program Value, LLC., amending the contract approved by City Council on October 13, 2020, in the not-to-exceed amount of \$696,074.00; amended by amendments 1-5 approved by Purchasing and City Council; said sixth amendment to provide preconstruction and construction management services for Fire Station Number 9; providing for the expenditure of funds therefor; and providing an effective date (File 7425 - providing for an additional sixth amendment expenditure amount not-to-exceed \$216,769.00, with the total contract amount not-to-exceed \$1,998,785.00).

**ASSIGNED ORDINANCE NO. 21-2170**

- T. ID 21-2171 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the second amendment to a contract between the City of Denton and Christian Community Action, amending the contract approved by City Council on December 17, 2020 in the not-to-exceed amount of \$197,926.00; amended by Amendment 1 approved by City Council; said second amendment to extend the term of the contract to January 31, 2022; and providing an effective date (RFQ 7525-001 - extending a contract with Christian Community Action to January 31, 2022).

**ASSIGNED ORDINANCE NO. 21-2171**

- U. ID 21-2172 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the third amendment to a contract between the City of Denton and Giving Hope, Inc., amending the contract approved by City Council on December 17, 2020, in the not-to-exceed amount of \$277,616.00; amended by Amendments 1-2 approved by City Council; said third amendment to extend the term of the contract to January 31, 2022; and providing an effective date (RFQ 7525-002 - extending a contract with Giving Hope, Inc. to January 31, 2022).

**ASSIGNED ORDINANCE NO. 21-2172**

- V. ID 21-2173 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the second amendment to a contract between the City of Denton and The Salvation Army-Denton, amending the contract approved by City Council on December 17, 2020, in the not-to-exceed amount of

\$656,465.00; amended by Amendment 1 approved by City Council; said second amendment to extend the term of the contract to January 31, 2022; and providing an effective date (RFQ 7525-004 - extending a contract with The Salvation Army-Denton to January 31, 2022).

**ASSIGNED ORDINANCE NO. 21-2173**

- W. ID 21-2188 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 Joel Van Der Sloot dba Golfers Academy, LLC, for golf instructor services for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7346-02 - awarded to Joel Van Der Sloot dba Golfers Academy, LLC, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$200,000.00).

**ASSIGNED ORDINANCE NO. 21-2188**

- X. EAR20-0001 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a Drainage Easement granted to the City of Denton by Carol Payne Gaede and Roland Edward Payne, recorded as Instrument No. 2005-53934 in the Real Property Records, Denton County, Texas; providing for severability and an effective date. (Windsor 35 Addition - Drainage Easement abandonment request - Mark Laird)

**ASSIGNED ORDINANCE NO. EAR20-0001**

- Z. ID 21-2263 Consider approval of a resolution of the City of Denton recognizing October 9, 2021 as world migratory bird day; authorizing the Sustainability Department to pursue the "Bird City Texas" certification; and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-2263**

**ITEM PULLED FROM CONSIDERATION**

- Y. ID 21-2312 Consider approval of a resolution of the City of Denton opposing Senate Bill 6 which is being considered in the Third Special Called Session of the 87th Texas Legislature, and any similar redistricting legislation which would place the City of Denton within a United States House of Representatives district primarily comprised of dissimilar communities; and providing an effective date.

**ITEM NOT CONSIDERED AT STAFF'S REQUEST**

Item was pulled from consideration at Staff's request.

**5. PUBLIC HEARINGS**

- A. Z21-0013c 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. The Planning and Zoning Commission voted [7-0] to recommend approval as a Residential 1 (R1) District. (Z21-0013c, Noguez Single-Family Rezoning, Mark Laird).

**ASSIGNED ORDINANCE NO. Z21-0013c**

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

The item was presented and no discussion followed.

The public hearing was opened and with no speakers in the queue, the public hearing was closed.

Council Member 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

- B. Z21-0010a 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 6 (R6) to a Light Industrial (LI) District on 20.83 acres and from a Residential Rural (RR) to LI District on approximately 4.17 acres of land for a total of approximately 25 acres generally located on the south side of E. University Drive approximately 880 feet east of Geesling Road and on the east side of Geesling Road, approximately 800 feet south of E. University Drive, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [7-0] to recommend approval of the request. (Z21-0010a, Geesling Road Industrial, Hayley Zagurski).

**ASSIGNED ORDINANCE NO. Z21-0010a**

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted in Exhibit A.

The item was presented and discussion followed.

The public hearing was opened and 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 Council Member Davis.

Discussion continued.

Mayor Hudspeth called the vote on his motion, seconded by Council Member Davis, to adopt the item as presented. Motion carried

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

NAYS (1): Council Member Armintor

The meeting was recessed for short break at 8:16 p.m. and reconvened at 8:27 p.m.

- C. Z21-0014b 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 3 (R3) District to Residential 7 (R7) District on approximately 0.5 acre of land generally located on the east side of Bolivar Street, approximately 172 feet north of West Congress 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 recommend approval the request. (Z21-0014b, Bolivar Zoning, Julie Wyatt)

**ASSIGNED ORDINANCE NO. Z21-0014b**

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

The item was presented and discussion followed.

The public hearing was opened and with no speakers in the queue, the public hearing was closed.

Following discussion, Council Member Beck 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. PD20-0010a 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 Neighborhood Residential 4 (NR4) District and Rural Residential (RR) District to a Planned Development (PD) District on approximately 7.11 acres generally located on the north side of East McKinney Street, approximately 1615 feet east of South Trinity Road, 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 the request. (PD20-0010a, Light Industrial, Julie Wyatt)

**AMENDED; ASSIGNED ORDINANCE NO. PD20-0010a**

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, Council Member Beck moved to adopt the item with the condition to remove single-family dwellings from the permitted uses. 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 (1): Council Member Armintor

- E. S21-0001c 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. THIS PUBLIC HEARING HAS BEEN CONTINUED FROM THE SEPTEMBER 21, 2021 MEETING. (S21-0001c, Pebblebrook Parkside, Karina Maldonado)
- ASSIGNED ORDINANCE NO. S21-0001c**

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, 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

- F. S21-0004a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit for an increase in building height, from 40 feet to 60 feet, for a proposed multi-family development on approximately 7.61 acres of land zoned Mixed Use Neighborhood (MN) District, generally located on the south side of Interstate Highway 35 East, approximately 1,500 feet south of Lillian B Miller Parkway 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 an effective date. The Planning and Zoning Commission voted [7-0] to recommend denial of the request. (S21-0004a, Millennium Crest, Hayley Zagurski) A SUPERMAJORITY VOTE IS REQUIRED FOR APPROVAL OF THIS REQUEST.

**DENIED**

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

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted in Exhibit A.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted in Exhibit A.

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

Following discussion, Mayor Pro Tem Meltzer moved to deny 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 (1): Mayor Hudspeth,

ABSTAIN (1): Council Member Davis

The meeting was recessed for a short break at 11:09 p.m. and reconvened at 11:21 p.m.



**6. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 21-2137 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, confirming the effective period of the declared state of local disaster related to the COVID-19 emergency as provided in Ordinance No. 21-1825 to December 31, 2021; superseding and replacing the Fifteenth Order of Council of the City of Denton issued September 21, 2021 approved by Ordinance No. 21-1825; providing a repealer clause; and providing an effective date.

**POSTPONED TO OCTOBER 26, 2021**

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

The item related to Work Session Item 3.B (21-2136) discussed earlier in the day.

The item was not presented and discussion followed.

Following discussion, Council Member Davis moved to postpone the item to a date certain of October 26, 2021. Motion seconded by Mayor Pro Tem Meltzer. Motion carried.

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

- B. ID 21-2270 Consider approval of a resolution of the City Council for the City of Denton appointing a Primary Representative to the Board of Directors of the Denton County Transportation Authority; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 21-2270**

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted in Exhibit A.

Items 6.B (21-2270) and 6.C (21-2271) were collectively read into the record and presented but discussed and voted on individually.

Mayor Pro Tem Meltzer called a Point of Order regarding Mayor Hudspeth quizzing the nominees. Mayor Hudspeth made no ruling.

Citizen comments received are noted in Exhibit A.

Mayor Hudspeth moved to approve the appointment of Mr. Pat Smith as the Primary Representative to the Board of Directors of the Denton County Transportation Authority. Motion seconded by Council Member Davis. Discussion continued.

Following further discussion, Mayor Hudspeth called the vote on his original motion, seconded by Council Member Davis, to approve the appointment of Mr. Pat Smith as the Primary Representative to the Board of Directors of the Denton County Transportation Authority, with the ordinance provided by the City Attorney. Motion failed.

AYES (2): Mayor Hudspeth and Council Member Davis

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

Following further discussion, Council Member Beck moved to approve the appointment of Council Member Allision Maguire as the Primary Representative to the Board of Directors of the Denton County Transportation Authority, effective immediately. Motion seconded by Council Member Armintor. Motion carried.

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

NAYS (2): Mayor Hudspeth and Council Member Davis

NOTE: Term information can be found in Exhibit B.

- C. ID 21-2271 Consider approval of a resolution of the City Council for the City of Denton appointing an Alternate Representative to the Board of Directors of the Denton County Transportation Authority; and providing for an effective date.

**ASSIGNED RESOLUTION NO. 21-2271**

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

Items 6.B (21-2270) and 6.C (21-2271) were collectively read into the record and presented but discussed and voted on individually.

Citizen comments received are noted in Exhibit A.

Following discussion, Mayor Pro Tem Meltzer moved to approve the appointment of Mr. Pat Smith as the Alternate Representative to the Board of Directors of the Denton County Transportation Authority, effective immediately. Motion seconded by Council Member Beck. Motion carried.

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

NAYS (2): Council Members Byrd and Armintor

NOTE: Term information can be found in Exhibit B.

- D. ID 21-2176 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 Floyd Smith Concrete, Inc., for concrete repair and installations, including the concrete pavement, curb, gutter, sidewalks, ADA ramps, and valley gutters for the Public Works Department and other various City departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7777 - awarded to Floyd Smith Concrete, Inc., for two (2) years, with the option for three (3) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$39,000,000). The Public Utilities Board recommends approval (5 - 0).

**ASSIGNED ORDINANCE NO. 21-2176**

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

The item was presented and no discussion followed.

Mayor Hudspeth 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. ID 21-2177 Consider adoption of an ordinance of the City of Denton, Texas amending Chapter 25 of the Code of the City of Denton, Texas by adding Section 25-15, related to new procedures for naming and renaming streets; and providing for a savings clause and an effective date.

**ASSIGNED ORDINANCE NO. 21-2177**

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

The item was presented and no discussion followed.

Mayor Hudspeth 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

**7. CONCLUDING ITEMS**

None

With no further business, the meeting was adjourned at 12:32 a.m. on Wednesday, October 20, 2021.



GERARD HUDSPETH  
MAYOR  
CITY OF DENTON, TEXAS



ZOLAINA PARKER  
DEPUTY CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: November 9, 2021

**October 19, 2021 City Council Regular Meeting - EXHIBIT A**

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

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Ann	Berry	2500 Natchez Trace	Denton	S21-0004a	Opposed	In Person	Lives in a peaceful neighborhood; neighbors have spent countless hours to understand the project and fight together against the SUP; the area is intended to be a buffer area; understands the property may be developed; urges to please take into consideration what will be developed; thanked Council for time and consideration.
Jeff	Berry	2500 Natchez Trace	Denton	S21-0004a	Opposed	In Person	The height of building is way off scale; proposed height of structures is almost twice the height; trees will lose leaves during fall and winter; outlined interaction with developer; who wants to live by a Goodwill and Cheaper than Dirt; addressed access points for fire safety; would like to see horizontal living because it makes sense and would be more compatible.
Anne	Berry	2500 Natchez Trace	Denton	S21-0004a	Opposed	Online	Please deny the SUP for this development. The proposed 60 foot structure is entirely out of scale for a building that will border our quiet; established single-family residential community. The total lack of privacy in our home that this structure will create; combined with the nuisance of the noise and light pollution and most certainly the increased crime and traffic congestion that comes from this high density living will completely destroy the reasonable use and enjoyment of our home. Thanks.
Aimee (Applicant)	Bissett	109 W Elm Street	Denton	Z21-0010a	Support	In Person	Provided an overview of the proposed project.
Aimee (Applicant)	Bissett	109 W Elm Street	Denton	S21-0001c	Support	In Person	Provided an overview of the proposed project.
Jerry	Drake	2504 Shiloh Road	Denton	S21-0004a	Opposed	In Person	Provided presentation and outlined compatibility issues; code and access; safety, and basis for recommending denial; and explained by right concerns.
Michelle	Emick	2504 Shiloh Rd	Denton	S21-0004a	Opposed	Online	The proposed development is out of scale for the neighborhood and does not meet minimum fire safety and access criteria.
Michelle	Emick	1332 Teasley Lane Ste. 268	Denton	S21-0004a	Opposed	Online	The Board of Directors; on behalf of Southridge Estates Homeowners Association; Inc., asserts that the proposed development is out of scale for the neighborhood and does not meet minimum fire safety and access criteria.
Lee	Evans	2400 Natchez Trace	Denton	S21-0004a	Opposed	Online	Planning/Zoning UNANIMOUSLY DENIED specific use permit because: Plan grossly out of scale for area; Lacks exit allowing emergency/non-emergency vehicles same time travel; Emergency exit relies on drive/parking lot of assisted living facility; not built for such traffic; is often occupied-elderly pedestrians; ambulances; moving trucks; Only one non-emergency entrance/exit relying on I35 frontage road-already backs up with traffic; Not needed based/current apartment/commercial vacancy statistics.
Martha Ann	Fellman	2408 Natchez Trace	Denton	S21-0004a	Opposed	Telephone	Concerned with safety and privacy regarding development; will allow more crime and more traffic in
Nathan	Fellman	2408 Natchez Trace	Denton	S21-0004a	Opposed	Online	Has 3 little children. Concerned about the noise; privacy and safety of having such a large complex looking into our backyard. In the event of a fire; there will be people jumping their backyard fence to escape. The complex will not be successful in targeting young professionals. How many young professionals will want to live behind a Good Will and Trampoline Park? If approved; it will become more college student housing. This will add ample amount of noise late at night.
Richard	Galbreath	2308 Shenandoah Trail	Denton	S21-0004a	Opposed	Online	This height is totally unacceptable. The existing height restrictions were set for a reason. I am multiple concerns about this proposed project. Please turn it down.
Ken	Gold	2512 Natchez Trace	Denton	S21-0004a	Opposed	In Person	The item was unanimously disapproved by P&Z; no 4 stories in area; plan B exists because plan A was going down in flames; it was always going to be 4 stories; plan B seems intentionally scary; dump 1200 vehicles per day in intersection; last remnant of Cross Timber habitat; post oaks of 20 inches or more will be destroyed; green space create property value; removing it decreases; will be looking over the back fence; trees don't screen in winter with no leaves; fire safety concern; it just doesn't fit.
Misty	Gold	2512 Natchez Trace	Denton	S21-0004a	Opposed	In Person	The building is too tall; does not fit in the area; concerned about light pollution; concerned about loss of green space; concerned about additional traffic at already congested Brinker and I-35; and also has many more concerns.
Joshua	Hatton	1414 Auburn Drive	Denton	21-2270	N/A	Telephone	Member of No Bus Cuts Campaign; and recommends/supports Council Member Maguire; addressed significant experience; nominee from Council Member Davis was chosen by Chris Watts who is recommending the nominee; confident Council Member Maguire will positively impact by serving on DCTA.

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Willie	Hudspeth	623 Newton Street	Denton	Open Mic	N/A	In Person	Martin Luther King area has taken a turn for the worst. There is a movement coming in to destroy the area. Need someone to help preserve what is being done in the area. Some Council Members are saying no; will start mounting movement to take community back so that families can continue to develop and live there. Would like to add some art as a start.
Carl	Kasper	2816 Southridge Dr	Denton	S21-0004a	Opposed	Online	Is out of scale for the area. Lacks an emergency exit that will allow both emergency and non-emergency vehicles to travel at the same time per Denton Fire Code. This will endanger all of the residents of the retirement home; Brookdale and my neighbors.
Daniel	Lyons	2516 Shiloh Road	Denton	S21-0004a	Opposed	Online	Please vote against the height increase to the proposed apartments. This apartment will be an eyesore to all who live in this neighborhood. Nothing of that height has been constructed on this side of highway 35 and there is a reason: this section of Denton is a neighborhood community. This is a neighborhood that has pride in the way we keep our houses. We pay taxes and HOA dues and to have an eyesore like this as is a slap in the face to all who live here.
Don	Lyous	2516 Shiloh Road	Denton	S21-0004a	Opposed	In Person	Read the mixed use definition from zoning code and advised there was nothing in the proposed SUP that met the criteria outlined; would like to see something horizontal.
Carla	McMurtrey	2516 Stone Mountain Dr.	Denton	S21-0004a	Opposed	Online	This will devalue the homes in Southridge Estates; especially the ones that will back up to the proposed apartments. There are already multiple apartments going in on Teasley which feeds into Lillian Miller and this will only contribute to the already congested roads in our area. The homeowners in Southridge have worked hard to keep the neighborhood values up and a huge apartment complex will no doubt bring that down. We respectfully ask that you vote against this agenda item.
Bobby	McMurtrey	2516 Stone Mountain Drive	Denton	S21-0004a	Opposed	Online	This will only bring our home values down. Adding apartment traffic in the area along with the new Buccree's traffic is not a good decision.
Brenda	Nevil	2504 Natchez Trace	Denton	S21-0004a	Opposed	Online	I have a 2-story home that will see the 4-story elevated property. Builder drawing shows a person at "ground level" looking up at the trees not 4th story looking into my house. Having lived in a large city with multi-family dwellings it is crowded and noisy - no matter how "pretty" the drawings are. Property values in Southridge Estates will be diminished. Quiet decreased and noise increased. Wildlife will be impacted. If you lived on Natchez Trc would you vote in favor of this? Don't think so.
Marilyn	Newland	2509 Potomac Pkwy.	Denton	S21-0004a	Opposed	Online	I live in the neighborhood behind this proposed development; a 4 story building would be completely out of scale; there are not even any 3 story buildings in the area. There is only one entrance and it is off the I-35 access road by Goodwill; therefore possibly jamming up traffic there. It has only one actual fire lane; the other would be the assisted living facility's driveway. There is absolutely NO need for more apartments in Denton!
Lee (Applicant)	Ramsey	525 S Loop 288 # 105	Denton	PD20-0010a	Support	In Person	Provided an overview of the proposed project.
Randi (Applicant)	Rivera	111 Hillside Drive	Lewisville	S21-0004a	Support	In Person	Provided an overview of the proposed project.
Eric	Robertson	2501 Shiloh Rd	Denton	S21-0004a	Opposed	Online	Their proposal is incompatible with the existing are. There are NO 4 story structures in the area and the planning and zoning commission agreed by refusing to grant a special use permit. They voted 7 to 0 in opposing this proposal.
Les	Robertson	2501 Shiloh Rd	Denton	S21-0004a	Opposed	Online	The proposed apartment complex is not complimentary to the surrounding area. The complex has been presented as luxury apartments while they are crammed between the backside of an aging shopping center and residential homes. There is not adequate traffic flow-especially for emergencies. The only way in and out is through the ease-way near Buc-ees; which is already backed up with traffic. This area will be great for smaller 1 story housing or businesses. 4 story apartments are incompatible.
Jeff	Roman	2420 Natchez Trace	Denton	S21-0004a	Opposed	In Person	Concerned are with the height, being right against property line; and feels like residents are being bullied.
Kristen	Roman	2420 Natchez Trace	Denton	S21-0004a	Opposed	Online	Please deny this SUP for this development. It is out of scale; will decrease property values; invade our privacy; increased light/noise pollution; increased crime rate. These residents will be looking directly into our backyard; into our home and into our children's bedroom windows. The location is hardly desirable. It will be wedged on a lot surrounded by an interstate, a goodwill; cheaper than dirt, a row of food establishment dumpsters, buck-ees and our backyards. Please vote NO to this SUP.
Wanda	Samek	2701 Norfolk Court	Denton	S21-0004a	Opposed	Online	As a resident of the area; I am strongly opposed to this proposal for a change in zoning. To do so would have a serious detrimental effect on the neighborhood; its residents; and nearby businesses. Items of concern are safety; traffic; noise; trash; and sanctity of our community life.
Michael	Simpson	2500 Stone Mountain Dr	Denton	S21-0004a	Support	Online	Increase the tax base.
Lance (Applicant)	Vanzant	512 W. Hickory Street, Ste 11	Denton	S21-0004a	Support	In Person	Provided an overview of the proposed project.
Mary Ella	Walters	2648 Charleston Ct	Denton	S21-0004a	Opposed	Online	Please refer to my e-mail sent to all City Council members and Mayor Hudspeth on 10/13. Thank you.

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 19, 2021

Agenda Item 4.B (ID 21-2206)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Historic Landmark Commission	5	Armintor-5	Linnie McAdams	UNEXPIRED September 1, 2021 through August 31, 2023	New Qual: 3 - Owner of Real Property

Agenda item 6.B (ID 21-2270)

BOARD/COMMITTEE/COMMISSION	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Board of Directors of the Denton County Transportation Authority (Primary Representative)	Alison Maguire	UNEXPIRED November 13, 2019 Through November 12, 2021 & FULL November 13, 2021 Through November 12, 2023	New

Agenda item 6.C (ID 21-2271)

BOARD/COMMITTEE/COMMISSION	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Board of Directors of the Denton County Transportation Authority (Alternate Representative)	Pat Smith	UNEXPIRED November 13, 2019 Through November 12, 2021 & FULL November 13, 2021 Through November 12, 2023	New