

CITY OF DENTON CITY COUNCIL MINUTES

November 2, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, November 2, 2021, at 3:00 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.

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.D (21-2306), 4.E (21-2307), 4.G (21-2321), 4.H (21-2322), and 4.K (21-1808)
- The following items were pulled for Individual Consideration:
 - None

3. Work Session Reports

- A. ID 21-1269 Receive a report, hold a discussion, and give staff direction regarding Audit Project 024 - Emergency Medical Services Billing & Collections.
[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 21-2211 Receive a report, hold a discussion, and give staff direction regarding City Observed Holidays and Employee Personal Holidays.
* [Council Priority; Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows for Year 2022:

- Recognize the following as observed holidays:
 - June 19: Juneteenth
 - November 11: Veterans
- Add two (2) floating holidays per employee

- C. ID 21-2428 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, there was no direction provided. Staff to present an update for further direction at the November 16, 2021 meeting.

- D. ID 21-2156 Receive a report, hold a discussion, and give staff direction regarding a requested follow-up from a June 15, 2021 work session on the display of non-government related flags at City of Denton facilities and requested options for recognition.
[Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to leave the issuance of proclamations under the Mayor as currently stipulated in the Council Rules of Procedure, with an additional work session to finalize the specifics of a flag policy before formal action is taken.

- E. ID 21-1762 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
- (1) A work session to discuss enacting the attached marijuana decriminalization ordinance proposed by Decriminalize Denton at the October 19, 2021 City Council meeting.
[Estimated Presentation/Discussion Time: 30 minutes]
- ID (21-1762) (1) A work session to discuss enacting the attached marijuana decriminalization ordinance proposed by Decriminalize Denton at the October 19, 2021 City Council meeting.
 - Consensus for a future work session.

The work session ended at 4:35 p.m.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, November 2, 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 21-1821 Proclamation: Municipal Court Week
PRESENTED

B. ID 21-2288 Proclamation: Denton's Texas Arbor Day
PRESENTED

C. ID 21-2415 Proclamation: The Salvation Army Rings, Hope Marches On
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. ID 21-2343 Ms. Eli Agawu, address not provided, regarding support for cannabis decriminalization in the City of Denton.

NOT PRESENTED

- b. ID 21-2355 Mr. Stephen Dillenburg, address not provided, regarding general public welfare concerns.

NOT PRESENTED; RESCHEDULED TO NOVEMBER 16, 2021

- c. ID 21-2437 Mr. Joshua Hatton, 1414 Auburn Drive, regarding No Bus Cuts Denton campaign's plan for DCTA.

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-M. During the Work Session held earlier in the day, no items were pulled for Individual Consideration.

Council Member Maguire moved to adopt the Consent Agenda 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

- A. ID 21-2209 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Sustainability Framework Advisory Committee.

APPROVED

Appointment listed on Exhibit B.

- B. ID 21-2431 Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton v. Robert P. Donnelly, Cause No. PR-2018-01099, currently pending in the Probate Court of Denton County, Texas, regarding the acquisition of fee interest required for the improvement of Mayhill Road and detention ponds in the total settlement amount of Four Million One Hundred Thirty-Three Thousand Five Hundred Forty-One Dollars and no cents (\$4,133,541.00); authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 21-2431

Citizen comments received are noted in Exhibit A.

- C. ID 21-2305 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 HSI Workplace Compliance Solutions, Inc., for consulting services related to the North American Electric Reliability Corporation ("NERC") compliance for the City of Denton as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7693 - Professional Services Agreement for Consulting Services awarded to HSI Workplace Compliance Solutions, Inc., in the two (2) year not-to-exceed amount of \$280,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 21-2305

- D. ID 21-2306 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 Soilworks, LLC, for the purchase of Gorilla-Snot, a spray-on soil stabilizer/dust control for the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (IFB 7790 - awarded to Soilworks, 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 \$1,000,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 21-2306

- E. ID 21-2307 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 Weaver Consultants Group, LLC, for the purchase of odor control chemicals for the City of Denton Landfill, which is the sole provider of these commodities, 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 7809 - awarded to Weaver Consultants Group, 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 \$294,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 21-2307

- F. ID 21-2308 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 Obra Ramos Construction, LLC, for the construction of outdoor concrete tennis courts in South Lakes Park for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7710 - awarded to Obra Ramos Construction, LLC, in the not-to-exceed amount of \$405,000.00).

ASSIGNED ORDINANCE NO. 21-2308

- G. ID 21-2321 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Howell Design Group, LLC (HDG), amending the contract approved by Purchasing on May 28, 2021 in the not-to-exceed amount

of \$45,000.00; said first amendment to provide additional security consulting and design services for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (PSA 7723 - providing for an additional first amendment expenditure amount not-to-exceed \$75,000.00, with the total contract amount not-to-exceed \$120,000.00).

ASSIGNED ORDINANCE NO. 21-2321

- H. ID 21-2322 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 Buzzclan, LLC, as the primary contractor, Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services as the secondary contractor, and Cogent Infotech Corporation as the tertiary contractor for Temporary Professional Labor Services for various City departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7717 - awarded to Buzzclan, LLC - primary, Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services - secondary, and Cogent Infotech Corporation - tertiary, 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 \$700,000.00).

ASSIGNED ORDINANCE NO. 21-2322

- I. ID 21-2309 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 Techline Sports Lighting, LLC, for the Athletic Field Lighting LED Conversion for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7726 - awarded to Techline Sports Lighting, 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 \$2,962,112.50).

ASSIGNED ORDINANCE NO. 21-2309

- J. ID 21-2328 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7716 for the North Lakes Tennis Center; and providing an effective date (RFP 7716).

ASSIGNED ORDINANCE NO. 21-2328

- K. ID 21-1808 Consider adoption of an ordinance of the City of Denton, Texas, appointing Ann Poston as Assistant Judge for the City of Denton Municipal Court of Record; appointing Cynthia Burkett as Assistant Judge for the City of Denton Municipal Court of Record; appointing Kimberly Lafferty as Assistant Judge for the City of Denton Municipal Court of Record; authorizing expenditure of funds; authorizing notice of non-renewal of existing assistant judge contracts; authorizing the Mayor to execute a contract for term of office; ratifying terms of contract; and declaring an effective date.

ASSIGNED ORDINANCE NO. 21-1808

- L. ID 21-2384 Consider adoption of an ordinance of the City of Denton authorizing an Easement Use Agreement between the City of Denton and Patrick J. Comiskey and Tiffany M. Comiskey to place a new fence within an existing waterline easement generally located along the frontage of their property at 6501 and 6505 Shiloh Lane; providing a severability clause and an effective date.

ASSIGNED ORDINANCE NO. 21-2384

- M. ID 21-1789 Consider adoption of an ordinance of the City of Denton authorizing the expenditure of funds for payments by the City to the Texas Commission on Environmental Quality for waste disposal fees; and providing an effective date (in an amount not to exceed \$500,000).

ASSIGNED ORDINANCE NO. 21-1789

5. PUBLIC HEARINGS

- A. Z21-0011d 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 a Residential 2 (R2) Zoning District to a General Office (GO) Zoning District on approximately 9.462 acre of land, generally located at the northwest intersection of East University Drive and North 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 recommend approval of the request. (Z21-0011d, Dollar Flowers 380, Ron Mengueta)

ASSIGNED ORDINANCE NO. Z21-0011d

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 Armintor moved to deny the item. Motion seconded by Council Member Beck. Motion to deny failed.

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

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

Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Byrd. 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. PD21-0005a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a change in the zoning district and use classification from Residential 2 (R2) District to a Planned Development (PD) District on approximately 22.2 acres of land generally located east of Bonnie Brae Street, approximately 198 feet north of West Windsor 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 recommended approval (5-0) of the request. (PD21-0005a, 2800 Bonnie Brae, Julie Wyatt)

ASSIGNED ORDINANCE NO. PD21-0005a

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 Armintor 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

- C. Z21-0003b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a change in the zoning district and use classification from Mixed Use Regional (MR) to a General Office (GO) District on approximately 88.71-acres, generally located on the south side of W. University Drive, approximately 90 feet east of Marshall 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 [5-0] to recommend approval of the request. (Z21-0003b, 380 Business Park, Karina Maldonado).

ASSIGNED ORDINANCE NO. Z21-0003b

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 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

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 21-2242 Consider approval of a resolution of the City of Denton stating no objection to the Primrose at Sequoia Park, LP 4% housing tax credit application to Texas Department of Housing and Community Affairs for proposed new construction of Primrose at Sequoia Park Apartments in Denton, Texas to provide affordable rental housing; and providing an effective date.

ITEM NOT CONSIDERED; RESCHEDULED TO NOVEMBER 9, 2021

Item pulled from consideration at Staff's request; and rescheduled to November 9, 2021.

- B. ID 21-2243 Consider approval of a resolution of the City of Denton stating no objection to the Rosemont at Pecan Creek, LP 4% housing tax credit application to Texas Department of Housing and Community Affairs for proposed new construction of Rosemont at Pecan Creek Apartments in Denton, Texas to provide affordable rental housing; and providing an effective date.


ITEM NOT CONSIDERED; RESCHEDULED TO NOVEMBER 9, 2021

Item pulled from consideration at Staff's request; and rescheduled to November 9, 2021.

7. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:59 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: November 16, 2021

November 2, 2021 City Council Regular Meeting - EXHIBIT A

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

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Lacey	Bass	1921 Fordham Lane	Denton	21-2431	Support	Online	No comment
Amiee (Representing the Applicant)	Bissett	109 N. Elm Street	Denton	Z21-0011d	Support	In Person	Provided history on the original request to the Planning and Zoning Commission. Client is current property owner and were available via phone to answer any questions if needed. Purpose of the zoning change was also detailed.
Felipe (Applicant)	Castillo	7303 Campbell Road	Dallas	PD21-0005a	Support	In Person	Provided history of the company in the property development arena as well as previous projects, including tenant demographics.
Jess (Applicant)	King	7303 Campbell Road	Dallas	PD21-0005a	Support	In Person	Detailed the amount of open space than in previous project developments. Providing 1-2 story houses. Detailed the open space, property detail, style and color schemes for the proposed site/homes.
Amiee (Representing the Applicant)	Bissett	109 N. Elm Street	Denton	Z21-0003b	Support	In Person	Provided information on the proposed development and intent to maintain the historical integrity of the area as much as possible.
Stanton	Brasher	13 Finley Circle	Krum	Open Mic	N/A	In Person	Was a long time resident but moved to Krum. Provided his personal and professional credentials. Considers himself in underground/legal markets in the use of cannabis. Provided professions and health conditions of individuals. Has stories of debilitated individuals that went to him. Told story of Betsy who had a terminal illness. Inhumane to pull individuals over who have health issues. More than half of States in Texas have medical programs available even if sale of cannabis is not where it should be Statewide. Being arrested for cannabis can prevent people from getting jobs or lose college funding.
Eva	Grecco	802 W Oak Street	Denton	Open Mic	N/A	Telephone	Has listened to last few meetings about mask ordinance. Went to vote and two workers were not wearing masks although there was a sign about wearing masks; masks were even available. She told the workers about the requirement; let them know they were being disrespectful to other two workers who were wearing masks. What is City doing to enforce the ordinance. Everywhere she goes sees people not wearing masks.
Heather	Moss	3616 Montecito Drive	Denton	Open Mic	N/A	In Person	Addressed redistricting of Denton. Under the hired consultant, report provided redistricting was not needed and should follow that advise. Should save that money. Asking Council to take consultant recommendation and not spend public funds.

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

EXHIBIT B
November 2, 2021

Agenda item 4.A (ID 21-2209)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Sustainability Framework Advisory Committee	1	Byrd - 1	Wendell Stevens	TBD: Straw Vote to determine staggered terms at first official meeting.	New Qualif.: At-Large