

CITY OF DENTON CITY COUNCIL MINUTES  
November 16, 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 16, 2021, at 2:00 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: Council Member Byrd

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:
  - None
- The following item was pulled for Individual Consideration:
  - None

**3. Work Session Reports**

- A. ID 21-1980 Receive a report, hold a discussion, and give staff direction regarding the drawing of council districts.  
[Estimated Presentation/Discussion Time: 120 minutes]

The item was presented and discussion followed. Bob Heath with Bickerstaff Heath Delgado Acosta, LLC, led the presentation.

Following discussion, City Council consensus was to have staff/consultant bring back a map to start drawing at a future meeting.

- B. ID 21-2284 Receive a report, hold a discussion, and give staff direction regarding board/commission processes:

- Inclusivity (voter registration, residency)
- Special Qualifications

[Estimated Presentation/Discussion Time: 60 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was reached on the following items, with Staff to provide an update to City Council.

- Animal Shelter Advisory Committee – Remove "Three people who are not involved by occupation or membership in any of the above categories" as those are not mandated by State law."
- Board of Ethics – Remove "Preference" qualifications [Note: Attorney is also noted as a current Preference.]
- Committee on Persons with Disabilities – Remove residency requirement for nominees (Districts 1-4)
- Historic Landmark Commission – Remove the "Certified Public Accountant" special qualification requirement.

The work session ended at 4:08 p.m.

### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 4:08 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

- A. ID 21-2471 Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive a report from staff related to a possible amendment to the Power Purchase Agreement (PPA) between the City of Denton and Samson Solar Energy, LLC; discuss and deliberate actions regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

### **NOT DELIBERATED**

The item related to Consent Agenda Item 4.J (21-2472) scheduled for consideration later in the day.

- B. ID 21-2422 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the employment, evaluation, duties, discipline, or dismissal of the Interim City Manager.

**DELIBERATED**

The closed meeting started at 4:23 p.m. and ended at 5:52 p.m. No votes or actions were taken during the closed meeting.

**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 16, 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 Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

ABSENT: Council Member Byrd

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 21-2465 Proclamation: Denton 360°  
**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. Stephen Dillenburg, 1001 Abbots Lane, regarding general public welfare concerns.

**PRESENTED**

2) Additional Citizen Reports (Open Microphone)

None

4. **CONSENT AGENDA**

The Consent Agenda consisted of Items 4.A-S. 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 (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Beck, Davis, Maguire, and Armintor

NAYS (0): None

ABSENT (1): Council Member Byrd

- A. ID 21-2376 Consider approval of the minutes of November 2, 2021.

**APPROVED**

- B. ID 21-2373 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Zoning Board of Adjustment.

**APPROVED**

Appointment listed on Exhibit B.

- C. ID 21-2506 Consider approval of a resolution of the City of Denton, concurring with the City Manager's reorganization of the City's administrative departments and divisions; authorizing the expenditure of funds in connection with the reorganization; and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-2506**

- D. ID 21-1923 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and The Salvation Army, a Georgia Corporation to provide Community Development Block Grant and Community Development Block Grant-Coronavirus funds for The Salvation Army KARE Kitchen and Food Pantry Program in Denton, Texas; authorizing the expenditure of funds in an amount not to exceed \$35,000.00; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1923**

- E. ID 21-1938 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Memorandum of Understanding by and between the United Way of Denton County, Inc. and the City of Denton and providing for the expenditure of funds for Homelessness Initiatives in the amount of \$80,000 for partial funding for staffing of the program in furtherance of the coordinated system of homelessness assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1938**

- F. ID 21-1939 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Denton and United Way of Denton County, Inc. providing for the expenditure of funds in the amount of \$40,000 for a grant to fund the Barriers Fund for the prevention and diversion of homelessness in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1939**

- G. ID 21-1940 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Denton and United Way of Denton County, Inc. providing for the expenditure of funds in the amount of \$18,850 for a grant to fund Homeless Management Information System (HMIS) Licenses in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-1940**

- H. ID 21-2500 Consider adoption of an ordinance of the City of Denton approving a grant application from 3 Wishes Market LLC located at 108 W. Oak St., Ste. 101, from the Downtown Reinvestment Grant Program not to exceed \$1,205.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (6-0).

**ASSIGNED ORDINANCE NO. 21-2500**

- I. ID 21-2442 Consider approval of a resolution declaring that the purposes of the Decommissioning Reserve Account under the Joint Operating Agreement between the Texas Municipal Power Agency and the cities of Bryan, Denton, Garland, and Greenville have been accomplished and approving a reduction of the required account balance of the Decommissioning Reserve Account; and providing an effective date.

**ASSIGNED RESOLUTION NO. 21-2442**

- J. ID 21-2472 Consider adoption of an ordinance of the City Council of the City of Denton ("Denton") providing for, authorizing, and approving the execution by the city manager of a first amendment to the Power Purchase Agreement ("PPA") between Denton and Delilah Solar Energy LLC, a Delaware limited liability company ("Delilah"), the successor in interest to Samson Solar Energy LLC; approving the execution of such other and further related documents deemed necessary to effectuate the transactions contemplated under the first amendment to the PPA by the city manager which are incident to or related to the first amendment to the PPA; finding that Texas local government code §552.022(a)(15) applies to such amendment to the PPA and excepts the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the first amendment to the PPA are in the public welfare; authorizing the expenditure of funds; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 553.133 of the Texas government code; allowing the public to inspect and reproduce the PPA as redacted; and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2472**

The item related to Closed Meeting Item 1.A (21-2471) but was not deliberated earlier in the day.

- K. ID 21-2445 Consider approval of a resolution revising Administrative Policy No. 403.07 "Debt Service Management" and providing for an effective date.

**ASSIGNED RESOLUTION NO. 21-2445**

- L. ID 21-2393 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and Jagoe-Public Company for the Hickory Creek Road Widening Project; providing for the expenditure of funds therefor; and providing an effective date (File 6903 - Change Order No. 1 in the not-to-exceed amount of \$167,960.50, for a total contract award aggregated to \$5,488,830.50). The Public Utilities Board recommends approval (5 - 0).

**ASSIGNED ORDINANCE NO. 21-2393**

- M. ID 21-2394 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on January 14, 2020, in the not-to-exceed



amount of \$1,398,600.00; amended by Amendment 1 approved by the City Council; said second amendment to provide additional design engineer services and hydraulic analysis in support of the Northwest Booster Pump Station and Water Transmission Main project; providing for the expenditure of funds therefor; and providing an effective date (File 6590-081 - providing for an additional second amendment expenditure amount not-to-exceed \$248,500.00, with the total contract amount not-to-exceed \$1,773,400.00). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 21-2394**

- N. ID 21-2395 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Service Agreement with Kimley-Horn and Associates Inc., to provide regulatory permitting/approval support, process evaluation, design services, bidding assistance, construction administration, and commissioning/startup support for the Granada Lift Station Replacement Project for the Water Utilities Division; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-008 - awarded to Kimley-Horn and Associates Inc., in the not-to-exceed amount of \$159,300.00). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 21-2395**

- O. ID 21-2434 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 Industrial Power Truck & Equipment, through the TIPS Cooperative Purchasing Network Contract # 200802, for the purchase of one (1) Isuzu/NewWay rear load refuse truck for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7834 - awarded to Industrial Power Truck & Equipment, in the not-to-exceed amount of \$154,797.49). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 21-2434**

- P. ID 21-2435 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for approval of a pre-qualified professional services list of State Certified firms to provide architectural, engineering, and other services as customarily provided for municipal, vertical construction projects for the Facilities Management Department; and providing an effective date (RFQ 7818 - for a three (3) year term).

**ASSIGNED ORDINANCE NO. 21-2435**

- Q. ID 21-2440 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on June 21, 2016, in the not-to-exceed amount of \$654,135.00; amended by Amendments 1-2 approved by the City Council and Purchasing;

said third amendment for phase 3 archeological recovery tasks and to provide additional design, archeological, environmental services, and railroad coordination for the Hickory Creek Interceptor Phases I and II Project; providing for the expenditure of funds therefor; and providing an effective date (File 6137 - providing for an additional third amendment expenditure amount not-to-exceed \$306,994.00, with the total contract amount not-to-exceed \$1,316,974.43). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 21-2440**

- R. ID 21-2444 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a contract extension between the City of Denton and Bean Electrical, Inc., through November 27, 2022, to provide additional traffic signal maintenance services for the Traffic Department; and declaring an effective date (IFB 6897 - extending a contract with Bean Electrical, Inc., to November 27, 2022).

**ASSIGNED ORDINANCE NO. 21-2444**

- S. ID 21-2502 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 vendors for the purchase of water and wastewater chemicals for the Water Production and Reclamation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB-BV 7743 - awarded to Chameleon Industries, Inc., Tanner Industries, Inc., DPC Industries Company, Brenntag Southwest, Inc., DPC Industries, Inc., Polydyne, Inc., Petra Chemical Company LLC, PVS Technologies, Inc., Chemtrade Chemicals US LLC, and Pencco, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$13,242,875.00).

**ASSIGNED ORDINANCE NO. 21-2502**

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 21-2432 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 Sixteenth Order of Council of the City of Denton issued October 19, 2021 approved by Ordinance No. 21-2342; providing a repealer clause, and providing an effective date.

**ASSIGNED ORDINANCE NO. 21-2432**

The summary of public commentary/registrations are noted in Exhibit A.

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.



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

AYES (4): Mayor Pro Tem Meltzer and Council Members Beck, Maguire, and Armintor

NAYS (2): Mayor Hudspeth and Council Member Davis

ABSENT (1): Council Member Byrd

- B. ID 21-2392 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 Southern Ionics, Inc., for the supply of emissions reagent for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7548 - awarded to Southern Ionics, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,793,000.00). The Public Utilities Board recommends approval (6 - 0).

**ASSIGNED ORDINANCE NO. 21-2392**

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 as presented. Motion seconded by Council Member Maguire. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Byrd

- C. ID 21-2553 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute the CMAR Guaranteed Maximum Price Amendment to the Construction Manager At Risk Contract with Balfour Beatty Construction, LLC, for the renovation of the Loop 288 Project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7671 - CMAR Guaranteed Maximum Price Amendment awarded to Balfour Beatty Construction, LLC, in the amount of \$9,779,701.00, with a total not-to-exceed amount \$9,784,701.00).

**ASSIGNED ORDINANCE NO. 21-2553**

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 Maguire. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Byrd


**6. CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:28 p.m.

  
GERARD HUDSPETH

MAYOR  
CITY OF DENTON, TEXAS

  
ROSA RIOS, CITY SECRETARY  
FOR ZOLAINA PARKER  
DEPUTY CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: December 7, 2021

November 16, 2021 City Council Regular Meeting - EXHIBIT A	
Speaker Commentaries/Registrations Online, Email, Phone	

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Eva	Grecco	802 W Oak Street Apt. 5	Denton	21-2432	Opposed	In Person	Inquired as to the accuracy of the numbers; now up to 17 Orders; why are we sitting here meeting after meeting? Doesn't make sense since there are no consequences to not enforcing; was told there is none as it cannot be enforced; the 16th Order speaks of a fine but how can that be when the Governor says you can't do; it is not being enforced anywhere; statistics are not accurate; we can do better.

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

EXHIBIT B  
November 16, 2021

Agenda item 4.B (ID 21-2373)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Zoning Board of Adjustment	3	Davis-3	Anne Smith	UNEXPIRED September 1, 2021 Through August 31, 2023	New