

CITY OF DENTON CITY COUNCIL MINUTES
April 18, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, April 18, 2023, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Jesse Davis, Brandon Chase McGee, and Chris Watts (Virtual)

ABSENT: None

VACANT: District 4

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

The posted agenda noted the registration process for public participation at this meeting. However, there were no online registrations or call ins on any items on the agenda.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

2. Requests for clarification of agenda items listed on this agenda.

- Clarification was requested on the following items:
 - Mayor Pro Tem Beck: Consent Items 4.M (23-745), 4.P (23-761), 4.T (23-789), and 4.V (23-821)
 - Council Member Byrd: Consent Item 4.G (23-737)
- The following item was pulled for Individual Consideration:
 - Council Member Davis: Consent Item 4.C (23-762)
- The following item was pulled from consideration:
 - At the request of Staff: Consent Item 4.E (23-675)
- The following item was pulled for deliberation at the Closed Meeting:
 - Council Member Watts: Work Session Item 4.C (23-661)

3. Recess of the Work Session

The work session was recessed to a Closed Meeting at 2:22 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 2:22 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 23-841 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, expenses, strategy, and options for resolution of litigation issues associated with the "Application of Denton Municipal Electric to Change Rates for Wholesale Transmission Service" pending before the Public Utility Commission of Texas under Docket No. 52715; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton Municipal Electric (DME) under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.
DELIBERATED
 - B. ID 23-764 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 competitive and financial public power information from staff related to a Power Purchase Agreements between the City of Denton, as the seller of power and electric energy services, and TT of Denton, Inc., (Toyota of Denton) a Texas corporation, as buyers of power and electric energy services; 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.
DELIBERATED
 - C. ID 23-835 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with City's attorneys regarding legal issues associated the Aggressive Solicitation Ordinance 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.
DELIBERATED

WORK SESSION ITEM 4.C ID (23-661) Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with City's attorneys regarding legal issues associated the implementable components of Proposition B 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.
DELIBERATED

As authorized by Section 551.071(2) of the Texas Government Code, Council Member Watts requested that the meeting convene into Closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on Work Session agenda Item #23-661, Receive a report, hold a discussion, and give staff direction regarding implementable components of Proposition B.

The closed meeting started at 2:25 p.m. and ended at 3:52 p.m. No votes or actions were taken during the closed meeting.

Mayor Hudspeth called for a short break at 3:52 p.m. and reconvened at 4:01 pm

WORK SESSION – CONTINUED

Following the completion of the Closed Meeting, the City Council reconvened the Work Session at 4:01 p.m. in the Council Work Session Room to consider the following items:

4. Work Session Reports

- A. ID 23-151 Receive a report, hold a discussion, and give staff direction regarding Audit Project 032 - Fleet Operations: Fuel Management. [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 22-1281 Receive a report, hold a discussion, and give staff direction regarding Aggressive Solicitation policy in the City of Denton. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to support staff recommendation.

- C. ID 23-661 Receive a report, hold a discussion, and give staff direction regarding implementable components of Proposition B. [Estimated Presentation/Discussion Time: 45 minutes]

The item was not presented and no discussion followed.

- D. ID 23-213 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: 1) Request for a Work Session to discuss traffic safety on West US 380. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, results were as follows:

- ID 23-213 (1) Request for a Work Session to discuss traffic safety on West US 380.
 - o Consensus for a future work session.

The work session ended at 4:47 p.m.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, April 18, 2023, 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 Brian Beck and Council Members Vicki Byrd, Jesse Davis, Brandon Chase McGee, and Chris Watts (Virtual)

ABSENT: None

VACANT: District 4

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

The posted agenda noted the registration process for public participation at this meeting. However, there were no online registrations or call ins on any items on the agenda.

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

A. ID 23-611 Proclamation: National Volunteer Week
PRESENTED

B. ID 23-711 Proclamation: National Library Week
PRESENTED

C. ID 23-834 Proclamation: Building Safety Month
PRESENTED

D. ID 23-686 Proclamation: Child Abuse Prevention Month
PRESENTED

- E. ID 23-776 Proclamation: Sexual Assault Awareness Month
PRESENTED

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

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Scheduled Citizen Reports from Members of the Public

- a. ID 23-839 Ms. Nell Yeldell regarding utility issues at 514 and 516 E. Prairie Street.

PRESENTED

- b. ID 23-857 Mr. Nick Stevens regarding City of Denton's Refusal to Implement Proposition B.

PRESENTED

- c. ID 23-861 Mr. Stephen Dillenburg regarding Campaign and General Welfare of Denton Status Update and Query.

CANCELLED

- d. ID 23-862 Ms. Dana Dillenberg regarding bond packages and vaccine experience.

CANCELLED

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-W. During the Work Session held earlier in the day, Item 4.C (23-762) was pulled for Individual Consideration by Council Member Davis, and Item 4.E (23-675) was pulled from consideration at the request of staff.

Mayor Pro Tem Beck moved to adopt the Consent Agenda, now consisting of Items 4.A-B and D-W. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

VACANT (1): District 4

- A. ID 23-028 Consider approval of the minutes of the April 4, 2023 (Joint Council with Denton ISD), and April 4, 2023 (Regular) Meetings.

APPROVED

- B. ID 23-741 Consider approval of a resolution of the City of Denton providing the March 27, 2023 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-741

- D. ID 23-659 Consider approval of a resolution of the City of Denton adopting a new Policy No. 100.3 "Commitment to Inclusion" as a personnel policy for the organization and including it in the City of Denton Policies and Procedures; and declaring an effective date.

ASSIGNED RESOLUTION NO. 23-659

- E. ID 23-675 Consider adoption of an ordinance of the City of Denton establishing classifications and positions in the Denton Fire Department; creating certain positions; repealing Ordinance No. 22-957 relating to establishing the classifications and prescribing the number of positions in each classification for the Denton Fire Department; providing repealer, cumulative, and severability clauses; and declaring an effective date.

PULLED FROM CONSIDERATION AT THE REQUEST OF STAFF

- F. ID 23-709 Consider adoption of an ordinance of the City of Denton granting Denton Cinco de Mayo, a three-year noise exception for the Cinco de Mayo Celebrations on Saturday, May 13, 2023, Sunday, May 5, 2024, and Sunday, May 4, 2025, from 11 a.m. to 10 p.m., at Quakertown Park; and providing an effective date. The Parks, Recreation, and Beautification Board voted to approve (4-0).

ASSIGNED ORDINANCE NO. 23-709

- G. ID 23-737 Consider approval of a resolution by the City of Denton authorizing the City Manager to apply for funding under the Denton County Transportation Reinvestment Program (TRiP), providing financial assistance to member cities for transit-supportive projects, through the Denton County Transportation Authority (DCTA) in the amount of \$5,589,560.00 for the Fiscal Year (FY) 2023 funding period; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-737

- H. ID 23-751 Consider approval of a resolution of the City of Denton authorizing the submission of an application to the Texas Parks and Wildlife Department (TPWD) Boating Access Grant 2023 in the amount of \$205,189 to construct fishing docks and kayak launch sites at various parks; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-751

- I. ID 23-406 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 Mesa Design Associates, Inc., for professional design services for the

proposed North Lakes Park Inclusive Playground for the Parks and Recreation Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7850-005 - Professional Services Agreement for professional design services awarded to Mesa Design Associates, Inc., in the not-to-exceed amount of \$122,500.00).

ASSIGNED ORDINANCE NO. 23-406

- J. ID 23-742 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 the Wastewater Lift Station Condition Assessment Project for the Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-024 - Professional Services Agreement for assessment services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$460,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-742

- K. ID 23-743 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 asset inventory, prioritization, condition assessment, and risk analysis with recommendations for the Pecan Creek Water Reclamation Plant Condition Assessment Project for the Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-026 - Professional Services Agreement for professional services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$330,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-743

- L. ID 23-744 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 8138 for general Substation Construction and Site Preparation services; and providing an effective date (RFP 8138). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-744

- M. ID 23-745 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a ninth 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 1-8 approved by Purchasing and City Council; said ninth amendment for additional program management services for the construction phase of the Public Safety Buildings (Police Headquarters, Police Substation, and Firing Range); providing for the expenditure of funds therefor; and providing an effective date (RFQ 7425 - providing for an additional ninth amendment expenditure amount not-to-exceed \$317,490.00, with the total contract amount not-to-exceed \$2,771,350.00).

ASSIGNED ORDINANCE NO. 23-745

- N. ID 23-746 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 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; amended by Amendment 1 approved by the City Council; said second amendment for 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 second amendment expenditure amount not-to-exceed \$527,300.00, with the total contract amount not-to-exceed \$647,300.00).

ASSIGNED ORDINANCE NO. 23-746

- O. ID 23-759 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 & Nichols, Inc., amending the contract approved by the City Council on September 22, 2020, in the not-to-exceed amount of \$1,472,700.00; amended by Amendments 1 and 2 approved by City Council; said third amendment to provide additional professional, construction, and bid phase services for the Lake Ray Roberts Water Treatment Plant Capacity Uprate, Regulatory and Performance Upgrade Project; providing for the expenditure of funds therefor; and providing an effective date (File 6590-093 - providing for an additional third amendment expenditure amount not-to-exceed \$95,060.00, with the total contract amount not-to-exceed \$3,701,547.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-759

- P. ID 23-761 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to increase the spend authority with Grid Training Corporation dba Northwest Lineman College, for lineman apprentice training, electrical safety courses, and lineman journeyman continuous improvement safety training for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (File 8172 - awarded to Grid Training Corporation dba Northwest Lineman College, providing for an additional expenditure amount not-to-exceed \$1,150,000.00, with the total contract amount not-to-exceed \$1,250,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-761

- Q. ID 23-780 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 Closner Equipment Company, Inc., through the Buy Board Cooperative Purchasing Network Contract # 685-22, for the acquisition of a cold planer and track paver for the Streets Department; and execute a contract with Closner Equipment Company, Inc., who is an authorized distributor of Dynapac North America, through the Buy Board Cooperative Purchasing Network Contract # 685-22, for the acquisition of an asphalt roller for the Streets Department; providing the expenditure of funds therefor; and providing an effective date

(File 8230 - awarded to Closner Equipment Company, Inc., in the not-to-exceed amount of \$1,190,740.00).

ASSIGNED ORDINANCE NO. 23-780

- R. ID 23-788 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 KBS Electrical Distributors, Inc., for the purchase of Electric Utility Distribution Hardware, Connectors, Arms, and Accessories to be stocked in the City of Denton Warehouse, Section L, Section M, Section U, and Section W lines 1-3 and 19; providing for the expenditure of funds therefor; and providing an effective date (IFB 8176 - awarded to KBS Electrical Distributors, 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 \$300,000.00).

ASSIGNED ORDINANCE NO. 23-788

- S. ID 23-790 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 contract between the City of Denton and Paradigm Traffic Systems, Inc., amending the contract approved by City Council on September 1, 2020, in the not-to-exceed amount of \$2,250,000.00, said first amendment to continue to provide traffic signals and hardware for the Warehouse Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7398 - providing for an additional first amendment expenditure amount not-to-exceed \$562,500.00, with the total contract amount not-to-exceed \$2,812,500.00).

ASSIGNED ORDINANCE NO. 23-790

- T. ID 23-789 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, Inc., for the purchase of Electric Utility Distribution Hardware, Connectors, Arms, and Accessories to be stocked in the City of Denton Warehouse, Sections A, B, C, D, E, F, G, H, I, J, K, N, O, P, Q, R, S, T, V, and W Lines 4-18; providing for the expenditure of funds therefor; and providing an effective date (IFB 8176 - awarded to Techline, 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 \$5,440,000.00).

ASSIGNED ORDINANCE NO. 23-789

- U. ID 23-769 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a power purchase agreement between the City and TT of Denton, Inc., (Toyota of Denton) a Texas corporation; providing for the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-769

- V. ID 23-821 Consider adoption of an ordinance of the City of Denton granting Greenberg Farrow a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for concrete foundation pours and slabs related to construction of a new retail building located at 2950 W University Dr; granting an increase in sound levels and a variance in the hours of operation which may be

affected by weather, from 12:00 A.M. to 8:30 P.M., with sound not to exceed 85 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-821

- W. ID 23-838 Consider approval of a resolution of the City of Denton, Texas, recognizing May 13, 2023, as World Migratory Bird Day; establishing the critical bird migration periods as "Lights Out Nights;" authorizing staff to pursue the "Bird City Texas" certification; and, providing an effective date.

ASSIGNED RESOLUTION NO. 23-838

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- C. ID 23-762 Consider adoption of an ordinance of the City of Denton approving a Joint Election Agreement and Contract with Denton County for joint election services for the regular municipal election being held on May 6, 2023 for the purpose of electing Council Members to Districts 1, 2, 3, and 4, and for a run-off election, if necessary, at a total estimated cost of \$80,686.63; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-762

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

Pulled for Individual Consideration by Council Member Davis.

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

The item was presented and no discussion followed.

Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member McGee. Motion carried.

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

NAYS (0): None

VACANT (1): District 4

ABSTAIN (1): Davis

5. PUBLIC HEARINGS

- A. ID 23-532 Hold a public hearing and consider adoption of an ordinance of the City of Denton adopting Standards of Care for recreational care programs administered by Denton's Parks and Recreation department pursuant to Texas Human Resources Code Section 42.041(b)(14); and providing an effective date.

ASSIGNED ORDINANCE NO. 23-532

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 callers in the queue, the public hearing was closed.

Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

VACANT (1): District 4

- B. PD22-0010f 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 on approximately 12.77 acres of land from a Planned Development - Mixed-Use Neighborhood (PD-MN) District to an overlay Planned Development - Suburban Corridor (PD-SC) District. The site is generally located at the northwest and southwest corners of Teasley Lane (F.M. 2181) and Hunter Creek 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 for severability clause and an effective date. The Planning and Zoning Commission voted 5 - 2 to recommend approval of the request. Motion for approval by Commissioner Pruett and second by Commissioner Smith. (PD22-0010f, Denton West Joint Venture, Mia Hines).

ASSIGNED ORDINANCE NO. PD22-0010f

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 on Exhibit A.

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

Following discussion, Council Member McGee moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck. Motion carried.

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

NAYS (0): None

VACANT (1): District 4

6. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:49 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



JESUS SALAZAR
INTERIM CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: _____

May 2, 2023