

CITY OF DENTON CITY COUNCIL MINUTES

August 1, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 1, 2023, at 2:03 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, Paul Meltzer, Brandon Chase McGee, Joe Holland, and Chris Watts

ABSENT: None

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 for public hearing and individual consideration.

- Clarification was requested on the following items:
 - Council Member Byrd: : Item 4.C 23-1359
 - Council Member Watts: Item 4.H 23-1386
- The following item was pulled for Individual Consideration:
 - Council Member Meltzer: Item 4.I 23-1386
 - Council Member Byrd: Item 4.I 23-1386

3. Work Session Reports

- A. ID 23-440 Receive a report, hold a discussion, and give staff direction regarding the Bell Avenue/Eagle Drive Intersection Traffic Analysis and update Bell Avenue from University to Mingo Road within the TWU corridor.

The item was presented and discussion followed.

Following discussion, City Council consensus was for Option 1: Minor Improvements now with plans of advancing to Option 2: Possible Major Improvements.

- B. ID 23-1243 Receive a report, hold a discussion, and give staff direction regarding the 2023 Bond Program.

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows:

August 15, 2023 – Council Consideration Item to call the election on November 7, 2023.

PRELIMINARY PRIORITY RANKING LISTED ON EXHIBIT B

- C. ID 23-220 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: 1. Request to add "Wrong Way" signs to the back of existing signs on one-way streets around the square.

The item was presented and discussion followed.

Following discussion, results were as follows:

Consensus for an Informal Staff Report (ISR).

The work session ended at 5:23 p.m.

Mayor Hudspeth recessed for a short break at 5:24 p.m. and reconvened at 5:33 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:23 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 23-926 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Manager.

DELIBERATED

- B. ID 23-962 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Attorney.

DELIBERATED

- C. ID 23-1359 Deliberations Regarding Certain Public Power Utilities: Competitive Matters- Under Texas Government Code 551.086; Consultation with Attorneys- Under Texas Government Code Section 551.071; Deliberations regarding Real Property- Under Texas Government Code Section 551.072. Receive information from staff regarding an update on Core Scientific Power Purchase Agreement and Lease that included data stemming from

public power utility competitive data; discuss deliberate and provide direction to staff regarding terms and conditions of an amended lease of City-owned property; Consultation with City's attorney regarding legal issues associated with the above matter 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 Rule of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any court proceeding.

NOT DELIBERATED

- D. ID 23-1480 Consultation with Attorneys – Under Texas Government Code Section 551.071. Consult with the City's attorney regarding potential litigation related to property damage claims of City-owned property; where public discussion of these legal matters would conflict with the duty of the City's attorney to the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.

DELIBERATED LATER IN THE MEETING

Mayor Hudspeth recessed the closed meeting at 6:28 p.m. to convene the Regular Session, noting that Council would return to Closed Session after the Regular Session to consider Item D.

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, August 1, 2023, at 6:33 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, Paul Meltzer, Brandon Chase McGee, Joe Holland, and Chris Watts

ABSENT: None

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. United States Flag and B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

A. ID 23-1371 Proclamation: Summer Youth Jobs Program Day
PRESENTED

B. ID 23-1412 Proclamation: National Health Center Week
PRESENTED

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

1) Scheduled Citizen Reports from Members of the Public

a. ID 23-1476 Ms. Dana Dillenberg regarding moving forward through COVID.
NOT PRESENT

b. ID 23-1479 Mr. Stephen Dillenburg regarding the grandest conspiracy / fraud in the history of mankind.
CANCELED

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-P. During the Work Session held earlier in the day, Item 4.I (23-1386) was pulled for Individual Consideration by Council Members Byrd and Meltzer.

Mayor Pro Tem Beck moved approval of the Consent Agenda, now consisting of Items 4.A-H and J-P. Motion seconded by Council Member McGee. Motion carried.

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

A. ID 23-065 Consider approval of a resolution of the City of Denton appointing members to the Development Code Review Committee, Economic Development Partnership Board, the City Council Committee on the Environment, and the City Council Mobility Committee, and providing an effective date.

ASSIGNED RESOLUTION NO. 23-065

B. ID 23-1361 Consider approval of a resolution of the City of Denton excusing the July 10, 2023 meeting absence of a Public Utilities Board Member; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-1361

C. ID 23-1273 Consider adoption of an ordinance of the City of Denton granting a special permit to McCarthy Building Companies, Inc. to allow for work hours outside those ordinarily allowed pursuant to Section 17-20 (c)(3)(f) of the City of Denton Code of Ordinances, with respect to hours of operation related to Mayhill Road Phase 2 construction of the Mayhill

Road bridge over Denton County Transportation Authority, located at 2600 S. Mayhill Road; providing for approval of special permit for a variance in the hours of operation during weekdays and weekends; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-1273

- D. ID 23-1274 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying a letter agreement between the City of Denton and Zachry Construction Corporation, to reimburse internal point repair and additional maintenance for Mayhill Road Phase One; providing for the receipt of funds therefor in the not-to-exceed amount of \$17,564.20; and declaring an effective date. The Public Utilities Board recommends approval (4-0).

ASSIGNED ORDINANCE NO. 23-1274

- E. ID 23-766 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute amendment number one (1) to the Power Purchase Agreement between the City and Core Scientific, Inc., a Delaware Corporation; providing for an effective date. The Public Utility Commission recommends (4-0).

ASSIGNED ORDINANCE NO. 23-766

- F. ID 23-768 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute amendment number one (1) to the Lease with Core Scientific, Inc., a Delaware Corporation; providing for an effective date. The Public Utility Commission recommends (4-0).

ASSIGNED ORDINANCE NO. 23-768

- G. ID 23-1281 Consider adoption of an ordinance of the City of Denton, Texas approving a joint funding agreement ("AGREEMENT") for water resource investigations by and between the City of Denton and the United States Geological Survey, Oklahoma-Texas Water Science Center, United States Department of the Interior (USGS) related to continued support of the Hickory Creek streamflow station in the amount of \$5,100.00 (Agreement Number 24SJFATX161000); authorizing the City Manager to execute and deliver the agreement; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (4-0).

ASSIGNED ORDINANCE NO. 23-1281

- H. ID 23-997 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding Agreement between the City of Denton and Our Daily Bread, Inc. for the payment and use of American Rescue Plan Act funding; providing for the expenditure of funds in an amount not to exceed \$1,295,000; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-997

- J. ID 23-1414 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 1898 & Co, a division of Burns & McDonnell Engineering Company, Inc.,

for professional engineering services to the Denton Municipal Electric Systems Operation Department; providing for the expenditure of funds therefore; and providing an effective date (RFQ 7804-010 - Professional Services Agreement for professional services awarded to 1898 & Co, a division of Burns & McDonnell Engineering Company, Inc., in the three (3) year not-to-exceed the amount of \$892,320.00). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 23-1414

- K. ID 23-1415 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 Kirby-Smith Machinery, Inc., an authorized dealer for Komatsu America Corp., through the Sourcewell Cooperative Purchasing Network Contract Number 032119-KOM, for the purchase of one (1) Komatsu Wheel Loader for the Water and Wastewater Departments; authorizing the expenditure of funds therefor; and providing an effective date (File 8298 - awarded to Kirby-Smith Machinery, Inc., in the not-to-exceed amount of \$290,000.00). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 23-1415

- L. ID 23-1416 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 HDR Engineering, Inc., for design services for Hickory Creek PH2 Lighting for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-013 - Professional Services Agreement for design services awarded to HDR Engineering, Inc., in the not-to-exceed amount of \$240,485.00).

ASSIGNED ORDINANCE NO. 23-1416

- M. ID 23-1417 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 Halff Associates, Inc., for professional design services for the Hickory Creek Regional Trail 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 7850-006 - professional services agreement for design services awarded to Halff Associates, Inc., in the not-to-exceed amount of \$185,700.00).

ASSIGNED ORDINANCE NO. 23-1417

- N. ID 23-1418 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 Fehr & Peers, for a Downtown Parking Study for the Economic Development Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8211 - awarded to Fehr & Peers, in the not-to-exceed amount of \$96,705.00).

ASSIGNED ORDINANCE NO. 23-1418

- O. ID 23-1419 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 Armstrong Forensic Laboratory, Inc., for controlled substance identification, blood alcohol testing, and

related services for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8231 - awarded to Armstrong Forensic Laboratory, Inc., 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 \$150,000.00).

ASSIGNED ORDINANCE NO. 23-1419

- P. ID 23-1455 Consider approval of a resolution of the City Council of the City of Denton, Texas, consenting to the inclusion of territory in its extraterritorial jurisdiction within the proposed Denton County Emergency Services District No. 2 pursuant to Chapter 775 of the Texas Health and Safety Code; authorizing the City Manager to notify the County Commissioners Court and representative of the Denton County Emergency Services District No. 2 of this consent; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-1455

5. PUBLIC HEARINGS

- A. Z23-0009a 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 3.456 acres of land from the Public Facilities (PF) District to the Mixed-Use Regional (MR) District. The site is generally located west of Mayhill Road, approximately 850 feet south of Roy 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 and an effective date. The Planning and Zoning Commission voted 6 - 0 to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Pruett. (Z23-0009a, Jefferson at Mayhill, Mia Hines).

ASSIGNED ORDINANCE NO. Z23-0009a

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 callers in the queue, the public hearing was closed.

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

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- I. ID 23-1386 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Denton Rotary Club Noon for the expenditure of City Council Contingency funds in the amount of \$1,425 for the American Flag Program; and providing an effective date. (\$1,425 - Community Partnership Committee recommends approval 2-0)

ASSIGNED ORDINANCE NO. 23-1386

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

Council Member(s) Byrd and Meltzer recused themselves due to conflicts of interest.

The item was presented and no discussion followed.

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

Motion carried.

AYES (5): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Holland, McGee, and Watts

NAYS (0): None

RECUSALS (2): Council Members Byrd and Meltzer

6. CONCLUDING ITEMS

Council Members expressed items of interest.

Mayor Hudspeth called Item 1.D (ID 23-1480) of the Closed Meeting at 7:14 p.m.

Mayor Hudspeth closed the regular session at 7:14 p.m. prior to reconvening the Closed Session at 7:22 p.m. in the Work Session Room.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Brandon Chase McGee, Joe Holland, and Chris Watts


ABSENT: None

- D. ID 23-1480 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding potential litigation related to property damage claims of City-owned property; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.


DELIBERATED

Closed Session ended at 7:51 p.m.

With no further business, the meeting was adjourned at 7:51 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



JESUS SALAZAR
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: AUGUST 15, 2023